# DYNAMICS OF ISLAMIC JIHAD

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# FOREWORD

In the name of Allah, the Beneficent, the Merciful. "O My Lord! Relieve my mind. And ease my task for me; and loose a knot from my tongue. That they may understand what I say, "(Al-Qur'an 20:25-28)

Islamic Jihad, which is a war waged by the followers of Islam in the way of God for a just cause such as self-defence, has been unfortunately subjected to very bitter criticism by the hostile quarters. It is perhaps due to Jihad that Islam in the past was blamed to be a religion of sword and a militant faith which spread through sword and maintained itself through sword. It is perhaps because of Jihad, which the oppressed Muslim minorities in Non-Muslim lands are waging today to liberate themselves from the yoke of the oppressors, that Islam these days is being bracketted with terrorism and its followers are being painted as terrorists, fundamentalists and extremists. Thus the concept of Islamic Jihad has remained throughout its history the most misunderstood concept.

The present book has been written with a view to explain the true nature and concept of Jihad in its religious and historical context covering its various dimensions and aspects. It has been done in the light of the verses of the Qur'an, traditions of the Prophet of Islam, conventions of the right-guided caliphs and the views of jurists and scholars. Distinction between Jihad and terror has been highlighted and attempt has been made to remove the misunderstandings and misgivings which are unfortunately existing in the minds of certain quarters. To what extent I have succeeded in my objective, none is better judge than the reader.

The world must realize that the objective of peace and security would not be achived by dovetailing Islamic Jihad

with international terrorism or by painting Muslim freedom-fighters (Mujahideen) as terrorists. Neither the objective can be achieved by placing a few Muslim countries on the list of terrorist countries and slaping economic sanctions on them, nor the problem can be addressed by declaring some Islamic organizations supporting Jihad as terrorist organizations. This would rather aggravate the problem. The real solution lies in understanding the distinction between terrorism and Islamic Jihad and redressing the grievances of persecuted Muslims living in non-Muslim countries which have led to the outbreak of Jihad. Otherwise Jihad would not cease till Doomsday or till the persecution (Fitnah) and corruption (Fisad) in the land is eliminated and religion of Allah (al-Islam) prevails on earth.

Before concluding, it would be most fair if I acknowledge my debt of gratitude to all those writers and jurists-whether living or deceased-from whose valuable works I have been inspired in the present venture. I must also place on record my thanks to my wife and children for giving me time for study and research.

Now I shall bid good bye to you and should pray to Allah: "O my Lord! Increase me in knowledge" (Al-Qur'an 20 : 114)

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# DEDICATION

The book is dedicated to all those warriors (Mujahideen) who are waging Jihad around the world to liberate the oppressed and persecuted Muslims living in Non-Muslim countries. May Allah bless them with clear victory (Fath Mubeen) as they, in fact, are responding to the Quranic call: "How should ye not fight for the cause of Allah and of the feeble among men and of the women and of the children who are crying : Our Lord! Bring us forth from out this town of which the people are oppressors! OH, Give us from Thy presence some protecting friend! Oh, Give us from thy presence some defender!" - (4:75)

# CHAPTER 1

# WHAT IS JIHAD

## I. The Qur'an and the Sunnah

Before we embark upon discussion of Jihad and its various aspects, let us have a glance through some of the relevant verses of the Qur'an, the revealed book of Islam, and the Ahadith of Muhammad (PBUH), the Prophet of Islam.

### The Verses of the Qur'an :

1. Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors. And slay them wherever ye find them, and drive them, out of the places whence they drove you out, for persecution is worse than salughter. And fight not with them at the inviolable place of worship until they first attack you there but if they attack you (there) then slay them. Such is the reward of disbelievers. But if they desist, then lo! Allah is Forgiving Merciful. And fight them until persecution is no more, and religion is for Allah. But if they desist, then let there be no hostility except against wrongdoers. The forbidden month for the forbidden month, and forbidden things in retaliation. And one who attacketh you, attack him in like manner as he attacked you. Observe your duty to Allah, and know that Allah is with those who ward off (evil).

   -----2:Al-Baqarah : 190-194

2. Warfare is ordained for you, though it is hateful unto you; but it may happen that ye hate a thing which is good for you, and it may happen that ye love a thing

which is bad for you. Allah knoweth ye know not. They question thee (O Muhammad) with regard to warfare in the sacred month. Say: warfare therein is a great (transgression), but to turn (men) from the way of Allah and to disbelieve in Him and in the Inviolable place of worship, and to expel his people thence, is greater with Allah; for persecution is worse than killing. And they will not cease from fighting against you till they have made you renegades from your religion, if they can. And whoso becometh a renegade and dieth in his disbelief: such are they whose works have fallen both in the world and the Hereafter. Such are rightful owners of the Fire: they will abide therein. -----2: Al-Baqarah : 216-217

3. Fight in the way of Allah, and know that Allah is Hearer, knower. -----2: Al-Baqarah : 244

4. And when Saul set out with the army, he said: Lo! Allah will try you by (the ordeal of) a river. Whosoever, therefore, drinketh thereof he is not of me, and whosoever tasteth it not he is of me, save him who taketh (thereof) in the hollow of his hand. Butt they drank thereof, all save a few of them. And after he had crossed (the river), he and those who believed with him, said: we have no power this day against Goliath and his hosts. But those who knew that they would meet their Lord exclaimed: How many a little company hath overcome a mighty host by Allah's leave! Allah is with the steadfast. And when they went into the field against Goliath and his hosts they said: Our Lord! Bestow on us endurance, make our foothold sure, and give us help against the disbelieving folk. -----2: Al-Baqarah : 249-250

5. O ye who believe! Take your precautions, then advance the proven ones, or advance all together.
-----4: An-Nisa : 71

6. So fight (O Muhammad) in the way of Allah – Thou art not taxed (with the responsibility for anyone) except for thyself-and urge on the believers. Peradventure Allah will restrain the might of those who disbelieve. Allah is stronger in might and stronger in inflicting punishment. Whoso interveneth in a good cause will have the reward thereof, and whoso interveneth in an evil cause will bear the consequence thereof. Allah overseeth all things. -----4: An-Nisa : 84-85

7. Except those who seek refuge with a people between whom and you there is a covenant, or (those who) come unto you because their hearts forbid them to make war on you or make war on their own folk. Had Allah willed He could have given them power over you so that assuredly they would have fought you so, if they hold aloof from you and wage not war against you and offer you peace, Allah alloweth you no way against them. Ye will find others who desire that they should have security from you, and security from their own folk. So often as they are returned to hostility they are plunged therein. If they keep not aloof from you nor offer you peace nor hold their hands, then take them and kill them wherever ye find them. Against such we have given you clear warrant.
-----4: An-Nisa : 90-91

8. O ye who believe! When ye go forth (to fight) in the way of Allah, be careful to discriminate, and say not unto one who offereth you peace: "Thou art not a believer," seeking the chance profits of this life (so that ye may despoil him). With Allah are plenteous spoils. Even thus (as he now is) were ye before; but Allah

hath since then been gracious unto you. Therefore, take care to discriminate. Allah is ever informed of what ye do. -----4: An-Nisa : 94

9. Relent not in pursuit of the enemy. If ye are suffering, lo! They suffer even as ye suffer and ye hope from Allah that for which they cannot hope. Allah is ever Knower, Wise. -----4: An-Nisa : 104

10. O ye who believe! When ye meet those who disbelieve in battle, turn not your backs to them. Whoso on that day turneth his back to them, unless manoeuvring for battle or intent to join a company, he truly hath incurred wrath from Allah, and his habitation will be Hell, a hapless journey's end. -----8: Al-Anfal : 15-16

11. And fight them until persecution is no more, and religion is all for Allah. But if they cease, then lo! Allah is Seer of what they do. And if they turn away, then know that Allah is your Befriender-a transcendent Patron, a transcendent Helper! -----8: Al-Anfal : 39-40

12. O ye who believe! When ye meet an army, hold firm and think of Allah much, that ye may be successful. And obey Allah and His messenger, and dispute not one with another lest ye falter and your strength depart from you; but be steadfast Lo! Allah is with the steadfast. Be not as those who came forth from their dwellings boastfully and to be seen of men, and debar (men) from the way of Allah, while Allah is surrounding all they do. -----8: Al-Anfal : 45-47

13. Those of them with whom thou maddest a treaty, and then at every opportunity they break their treaty, and they keep not duty (to Allah). If thou comets on them in the war, deal with them so as to strike fear in those who are behind them, that haply they may remember.

And if thou fearest treachery from any folk, then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous. -----8:Al-Anfal : 56-58

14. Make ready for them all thou canst of (armed) force and of horses tethered, that thereby ye may dismay the enemy of Allah and your enemy, and others beside them whom ye know not. Allah knoweth them. Whatsoever ye spend in the way of Allah it will be repaid to you in full, and ye will not be wronged. And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He is the Hearer, the Knower. And if they would deceive thee, then lo! Allah is sufficient for thee. He it is Who supporteth thee with His help and with the believers. -----8:Al-Anfal : 60-62

15. O Prophet! Exhort the believers to fight. If there be of you twenty steadfast they shall overcome two hundred, and if there be of you a hundred steadfast they shall overcome a thousand of those who disbelieve, because they (the disbeliveers) are a folk without intelligence. Now hath Allah lightened your burden, for He knoweth that there is weakness in you. So if there be of you a steadfast hundred they shall overcome two hundred, and if there be of you a thousand steadfast they shall overcome two thousand by permission of Allah. Allah is with the steadfast. -----8:Al-Anfal : 65-66

16. Then, when the sacred months have passed, slay the idolaters wherever ye find them, and take them (captive), and besiege them, and prepare for them each ambush. But if they repent and establish worship and pay the poor-due, then leave their way free. Lo! Allah is Forgiving, Merciful. And if anyone of the idolaters seeketh thy protection (O Muhammad), then protect him so that he may hear the word of Allah, and

afterward convey him to his place of safety. That is because they are a folk who know not.

-----9:At-Taubah : 5-6

17. But if they repent and establish worship and pay the poor-due, then are they your brethren in religion. We detail Our revelations for a people who have knowledge. And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief-Lo! They have no binding oaths-in order that they may desist. Will ye not fight a folk who broke their solemn pledges, and purposed to drive out the messenger and did attack you first? What! Fear ye them? Now Allah hath more right that ye should fear Him, if ye are believers. Fight them! Allah will chastise them at your hands, and He will lay them low and give you victory over them, and He will heal the breasts of folk who are believers.

-----9:At-Taubah : 11-14

18. Say : If your fathers, and your sons, and your brethren, and your wives, and your tribe, and the wealth ye have acquired, and merchandise for which ye fear that there will be no sale, and dwellings ye desire are dearer to you than Allah and His messenger and striving in His way: then wait till Allah bringeth His command to pass. Allah guideth not wrong doing folk.

-----9:At-Taubah : 24

19. Fight against such of those who have been given the Scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the religion of truth, until they pay the tribute readily, being brought low.

-----9:At-Taubah : 29

20. Lo! the number of the months with Allah is twelve months by Allah's ordinance on the day that He created the heavens and the earth. Four of them are sacred: that is the right religion. So wrong not yourselves in them. And wage war on all of the idolaters as they are waging war on all of you. And know that Allah is with those who keep their duty (unto Him.). Postponement (of a sacred month) is only an excess of disbelief whereby those who disbelieve are misled; they allow it one year and forbid it (another) year, that they may make up the number of the months which Allah hath hallowed, so that they allow that which Allah hath forbidden. The evil of their deeds is made fair-seeming unto them. Allah guideth not the disbelieving folk. -----9:At-Taubah : 36-37

21. O ye who believe! What aileth you that when it is said unto you: Go forth in the way of Allah, ye are bowed down to the ground with heaviness. Take ye pleasure in the life of the world rather than in the Hereafter? The comfort of the life of the world is but little than in the Hereafter. If ye go not forth He will afflict you with a painful doom, and will choose instead of you a folk other than you. Ye cannot harm Him at all. Allah is Able to do all things. -----9:At-Taubah : 38-39

22. Go forth, light-armed and heavy-armed, and strive with your wealth and your lives in the way of Allah! That is best for you if ye but knew.
-----9:At-Taubah : 41

23. O Prophet! Strive against the disbeliveers and the hypocrites! Be harsh with them. Their ultimate abode is Hell, a hapless journey's end. -----9:At-Taubah : 73

24. And when a surah is revealed (which saith) : Believe in Allah and strive along with His messenger, the men

of wealth among them still ask leave of thee and say: Suffer us to be with those who sit (at home). They are content that they should be with the useless and their hearts are sealed, so that they apprehend not.

-----9:At-Taubah : 86-87

25. The road (of blame) is only against those who ask for leave of thee (to stay at home) when they are rich. They are content to be with the useless. Allah hath sealed their hearts so that they know not.

-----9:At-Taubah : 93

26. O ye who believe! Fight those of the disbelievers who are near to you, and let them find harshness in you, and know that Allah is with those who keep their duty (unto Him) -----9:At-Taubah : 123

27. Sanction is given unto those who fight because they have been wronged; and Allah is indeed able to give them victory. -----22:Al-Hajj:39

28. Therefore listen not to the unbelievers, but strive against them with the utmost strenuousness, with the (Qur'an). 25:Al-Furqan : 52

29. Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, then making fast of bonds; and afterward either grace or ransom till the war lay down its burdens. That (is the ordinance). And if Allah willed He could have punished them (without you) but (thus it is ordained) that He may try some of you by means of others. And those who are slain in the way of Allah, rendereth not their actions vain.

-----47:Muhammad : 4

30. And verily We shall try you till We know those of you who strive hard (for the cause of Allah) and the steadfast, and till We test your record.
-----47:Muhammad : 31

31. So do not falter and cry out for peace when ye (will be) the uppermost, and Allah is with you, and He will not grudge (the reward of) your actions.
-----47:Muhammad : 35

32. And if two parties of believers fall to fighting, then make peace between them. And if one party of them doeth wrong to the other, fight ye that which doeth wrong till it return unto the ordinance of Allah; then, if it return, make peace between them justly, and act equitably. Lo! Allah loveth the equitable.
-----49:Al-Hujurat : 9

33. The (true) believers are those only who believe in Allah and His messenger and afterward doubt not, but strive with their wealth and their lives for the cause of Allah. Such are the sincere. -----49:Al-Hujurat : 15

34. Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friends of them. Whosoever maketh friends of them (All) such are wrong-doers.
-----60:Al-Mumtahanah : 9

35. Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure.
-----61:As-Saff : 4

36. O ye who believe! Shall I show you a commerce that will save you from a painful doom? Ye should believe in Allah and His messenger, and should strive for the

cause of Allah with your wealth and your lives. That is better for you, if ye did but know.

-----61:As-Saff : 10-11

37. O Prophet! Strive against the disbeliveers and the hypocrites, and be stern with them. Hell will be their home, a hapless journey's end. -----66:At-Tahrim : 9

## Ahadith of Prophet Muhammad (PBUH):

1. Salman, the Persian, reported : I heard the Messenger of Allah say: Guarding for a day and a night in the way of Allah is better than fasting for a month and praying it. If he dies, his action which he used to do would continue for him and he will be rewarded with sustenance and he will be safe from mischief.

-----(Muslim)

2. Abdullah-b-Amr reported that the Holy Prophet said: Fighting in the way of Allah atones for every thing except debt. -----(Muslim)

3. Abdullah-b-Hubshi reported that the Prophet was asked: Which of the action is best? He said: Prolonged standing (in prayer). He was questioned: Which charity is best? He said: Strivings of a man of small means. He was questioned: Which migration is best? He said: He who flees away from what Allah has prohibited him. He was questioned: Which Jihad is best? He said: He who fights with the polytheists with his property and his life. -----(Abu Daud)

4. Abu Musa reported that the Messenger of Allah said: Verily the doors of Paradise are under the shades of swords. -----(Mishkat)

5. Sahl-b-Sa'ad reported that the Messenger of Allah said: Guarding for a day in the way of Allah is better than the world and what is therein.

-----(Bukhari, Muslim)

6. Anas reported that the Messenger of Allah said: To go out at morn in the way of Allah or to go out at dusk is better than the world and what is therein.

-----(Bukhari, Muslim)

7. Abi Abs reported that the Messenger of Allah said: No feet of a servant are covered with dust in the way of Allah to touch Hell-fire. -----(Bukhari)

8. Ali, Abu Darda'a, Abu Hurairah, Abu Omamah, Abdullah-b-Umar, Jaber-b-Abdullah, Imran-b-Hussain (Allah be pleased with them all) all reported from the Messenger of Allah that he said: Whoso sends contribution in the way of Allah and stays at his house, he will get 700 dirhams for every dirham, and whoso fights with his ownself in the way of Allah and spends for that cause, he will get 70,000 dirhams for every dirham. Afterwards he recited the verse: And Allah multiplies for whom He pleases, -----(Ibn Majah)

9. Zaid-b-Khalid reported that the Messenger of Allah said: Whoso supplies a warrior with arms in the way of Allah fights indeed a holy fight; and whoso keeps behind a warrior in charge of his family fights indeed a holy fight. -----(Bukhari, Ahmad)

10. Abu Mas'ud-al-Ansari reported that a man came with a she-camel tied through the nose, and said: This is in the way of Allah. The Messenger of Allah said. There will be for you in exchange of it on the Resurrection Day 700 she-camels, each of them tied up through the nose. -----(Muslim)

11. Jaber-b-Samorah reported that the Messenger of Allah said: This religion will never cease to exist. A party of the Muslims shall always fight for it till the Hour comes to pass. -----(Muslim)

12. Abu Hurairah reported that the Messenger of Allah said: Whoso dies without fighting (holy war) and without consulting himself about it dies on a branch of hypocrisy. -----(Muslim)

13. Abu Musa reported that a man came to the Messenger of Allah and enquired: A man fights for booty, a man fights for fame, and a man fights that his position may be known – who then (fights) in the way of Allah? He said: Whoso fights to raise highest thereby the word of Allah, is in the way of Allah. -----(Bukhari, Muslim)

14. Abdullah-b-Amr reported that a man came to the Prophet and asked his permission to join the Jihad. He asked: Are your parents alive? 'Yes' said he. 'He said: Then make Jihad for them. Agreed upon it. And in a narration: Return then to your parents, and make good your company with them.

15. Imran-b-Hussain reported that the Messenger of Allah said: A party of my companions will not cease to fight for truth gaining victory over those who oppose them, till the last of them kills Anti-Christ. -----(Abu Daud)

16. Abu Omamah reported from the Holy Prophet who said: Whoso fights no Jihad, nor does he supply arms to a warrior, nor does he keep behind a warrior in charge of his family with fairness, Allah will afflict him with a calamity before the Resurrection Day.
-----(Abu Daud)

17. Anas reported from the Holy Prophet who said: Fight against the polytheists with your properties, your lives and your tongues. -----(Abu Daud, Nisai, Darimi)

18. Abu Hurairah reported: Whoso meets Allah without any wound of Jihad, meets Allah with defect in him. -----(Tirmizi, Ibn Majah)

19. Khuzaim-b-Fatek reported that the Prophet said: Whoso incurs an expenditure in the way of Allah, there is written for him (rewards) 700 times. -----(Tirmizi, Nisai)

20. Abu Omamah reported that the Messenger of Allah said; The best of charities is the shade of a tent in way of Allah, wages of a servant in the way of Allah, or galloping of a mare in the way of Allah. -----(Tirmizi)

21. Osman reported from the Messenger of Allah who said: Guarding for one day in the way of Allah is better in rank than one thousand days of what is besides it. -----(Tirmizi, Nisai)

22. Omme-Haram reported from the Prophet who said: The sojourner in the sea whom vomiting afflicts has got the reward of a martyr, and a drowned man has got the reward of two martyrs. -----(Abu Daud)

23. Abdullah bin Amr reported that the Messenger of Allah said: For a Gazi, there is his reward: and for one who gives property to a Gazi, there is his reward and the reward of a Gazi. -----(Abu Daud)

24. Abdullah-b-Amr reported that he asked: O Messenger of Allah! Inform me about Jihad. He said: O Abdullah-b-Amr! If you fight patiently and hoping for reward, Allah will resurrect you as patient, hopeful of reward;

and if you fight for show and vanity, Allah will resurrect you with your show and vanity. O Abdullah-b-Amr! in whatever condition you fight or are killed, Allah will resurrect you upon that condition. -----(Abu Daud)

25. Abu Omamah reported from the Holy Prophet who said: Nothing is dearer to Allah than two drops and two marks: One drop of tears out of fear of Allah and one drop of blood shed in the way of Allah; and as for the two marks, one mark in the way of Allah, and another mark in (discharge of) an obligatory duty of the obligatory duties of the Almighty Allah.
-----Tirmizi (Approved, Rare)

26. Obadah-b-Swamet reported that the Messenger of Allah said: Whoso fights in the way of Allah and does not wish but for a fetter, there is for him what he has intended. -----(Nisai)

27. Abu Sayeed reported that the Apostle of Allah said: Whoso is pleased with Allah as sustainer and with Islam as religion and with Muhammad as an apostle, Paradise becomes sure for him. Abu Sayeed was astonished at this and said: O Messenger of Allah! Repeat it to me. So he repeated it to him. Afterwards he said: And there is another thing for which Allah raises up a servant to one hundred ranks in Paradise. The difference between every two ranks is as the difference between heaven and earth. He asked: O Apostle of Allah! What is it? He said: Jihad in the way of Allah, Jihad in the way of Allah, Jihad in the way of Allah. -----(Muslim)

28. Abu Omamah reported that the Messenger of Allah said: The best charity is that of a camp in the way of Allah, and the labour of a servant in the way of Allah,

and gallopping of a mare in the way of Allah.
-----(Tirmizi)

29. Khuraim-b-Fatek reported that the Messenger of Allah said: Whoso incurs an expenditure in the way of Allah, there is written for him 700 merits. -----(Tirmizi)

30. Abdullah-b-Abbas reported that the Messenger of Allah said: As for the fire, none but Allah shall punish therewith. -----(Bukhari)

31. Abu Sayeed al-Khodri reported that the Messenger of Allah said: Verily the believers in the world are upon three classes-those who believe in Allah and His Apostle and then do not entertain doubt and fight with their properties and lives in the way of Allah, one in whom people feel secure regarding their properties and lives; and then one who, when he is about to fall in temptation, gives it up for the Almighty and Glorious Allah. -----(Ahmad)

32. Abu Omamah reported: We came out with the Messenger of Allah with an army. A man passed by a cave wherein there was water and green vegetables. He mused within himself to station himself there and keep segregated from this world. Then he sought permission of the Messenger of Allah for that. The Holy Prophet said: Verily I have not been sent with Judaism or Christianity, but I have been raised up with the catholic upright religion. And by one in whose Hand there is the life of Muhammad, certainly march in the morning or evening in the way of Allah is better than this world and what is therein, and certainly the place of someone of you in the rank (of army) is better than his prayer for 60 years. -----(Ahmad)

33. Ibn A'yez reported that the Messenger of Allah came out for funeral prayer of a man. When he was placed, Omar-b-al-Khattab said: O Messenger of Allah, don't pray for him, as he was a transgressing person. Then the Holy Prophet looked towards the people and asked: Has anybody among you seen him in any action of Islam? 'Yes' reported a man, 'O Messenger of Allah, He was a guard for one night in the way of Allah. Then the Messenger of Allah led prayer over him and scattered dust over him. -----(Baihaqi)

## II- Meaning of Jihad

The Arabic word Jihad is derived from the verb Jihada which means 'he exerted'. Another derivative of the word is Jahadun meaning 'exertion' or 'striving'. So, literally Jihad means exertion, striving or struggle. It means to exert one's utmost or to make effort or struggle for the achievement of one's aim or objective. In order to achieve an objective, Jihad can be waged through various means such as through the use of physical force or with the help of one's tongue or with the help of one's wealth. The Holy Qur'an has used word Jihad in various ways: "And whosoever striveth, striveth only for himself, for lo! Allah is altogether Independent of (His) creatures"—(29:6) : "And for those who strive in us, We surely guide them to our paths, and lo! Allah is with the good"—(29:69): "And strive for Allah with the endeavour which is His right….." (22:78) : "Fight in the way of Allah against those who fight against you, but begin not hostilities….." (2 : 190) : "Go forth, light armed and heavy armed, and strive with your wealth and your lives in the way of Allah….." (9 : 41) "Therefor listen not to the unbelievers, but strive against them with the utmost strenuousness, with the (Qur'an)"–(25:52). Thus the word Jihad has been used by the Qur'an to signify different meanings in different situations, right from earning of livelihood to fighting against the enemy. But the keynote

remains the same i.e. the exertion or striving undertaken to achieve an objective. In this way Jihad has a wider meaning than war because it includes every sort of effort—physical or non-physical, mental or spiritual, martial or non-martial–made in the way of Allah or for a just cause.

Jihad generally means, however, a war undertaken by the followers of Islam for a just cause or for defence of Islam and Islamic State or for cause of Allah. Al-Kasaniy, a Muslim jurist of middle ages has defined jihad or the war of Muslims in these words: "Jihad in the technology of law is used for expending ability and power in fighting in the path of God by means of life, property, tongue and other than these."

Islam does not allow aggressive wars to establish empires, to promote imperialistic designs or to achieve economic and commercial interests at the expense of others, or to subjugate other people just to satisfy the ambitions of egotistic rulers and generals. It permits war as a last resort, when there is no other peaceful way left, for the defence of Islamic faith and Islamic state. War can be waged by the Muslims simply for the cause of Allah so that the Kingdom of God on earth is established and the word of God alone prevails. The slightest desire for worldly gain mars the noble cause of Jihad and deprives the Muslim soldier of the reward of Paradise. Thus it will be seen that Jihad does not mean killing and plundering others but offering one's ownself to be killed. It is a supreme sacrifice required of an idealist, sacrifice both of property and life, for the sole purpose of obeying the command of one's Creator and Master, God Almighty.

A very beautiful note on the nature of Jihad in Islam has been written by the authors of "Our Dialogue" which is submitted verbatim as under for the interest of our readers:

"If we take the linguistic meaning of the word jihad we find that it relates to the exertion of efforts. The effort is intended to accomplish a specific purpose, but the term jihad also implies the presence of strong opposition or resistance. Thus, a pre-Islamic poet may use the word jihad to describe his efforts to get his passion under his control after the departure of his beloved with her tribe, leaving him alone without any hope of reunion. His passion would be the source of resistance to his effort to control himself and try to live a normal life.

"In its Islamic sense, the term jihad, does not differ greatly in implying the exertion of effort and the presence of resistance. However, the purpose of jihad is clearly defined as the furtherance of the cause of Allah. This means helping the message of Islam spread and helping it being implemented properly in an Islamic community. The sort of effort required in jihad differ according to circumstances and to the particular situation in which a Muslim finds himself. It could be a simple action, such as standing firm in defense of the cause of Islam. This may require speaking out in public, against ignoring Islamic principles, and writing articles or publishing books. It may also take the form of reminding people of their Islamic duties and motivating them to conduct their lives according to Islam. Its top and most noble form is to fight the enemies of Islam in battle in order to foil their attempts to smother the call of Islam.

"It is this form of fighting which always springs to people's minds when the term jihad is mentioned. This is due to the fact that when a person fights, he demonstrates practically his willingness to sacrifice his life for the cause of Islam. His jihad no longer stops at making efforts which are not likely to cause him any harm. Here he is exposing himself to risks of injury and death. Because this form has been deeply rooted in people's concept of jihad, the word is associated generally with exerting strenuous efforts which

could endanger a person's life. Hence, the term 'jihad' is often mistranslated as "holy war."

"Perhaps it is appropriate to clarify at this point that there is nothing which Islam describes as "holy war." The very description will suggest that Islam approves of two types of war: one holy and the other unholy. This is certainly untrue. If a war is fought for a just cause, such as lifting injustice or freeing people from persecution, then it is a war which Islam approves of, hence, it is jihad. A war against imperialism can be described as jihad if its purpose is to free the Muslim community so that they may conduct their lives according to Islam. A purely patriotic war to achieve national independence cannot be described as jihad if its aim is to retain the secular system imposed by the imperialists, but will simply replace its administrators by nationals.

We see that the purpose is of utmost importance. This is perfectly in line with Islamic thinking, because Islam attaches the greatest importance to the intention behind every action. The Prophet says: "Actions are but intentions." This means that the value of any action is determined by the intention behind it and the purpose for which it is done. The Prophet was asked about people fighting the same war with the same army, but one of them is fighting simply because he wants to be with his people against their enemy, another is fighting for personal pride, and one fights simply because he is brave, and yet another in order to maintain appearances: which of them can be described as fighting for Allah's cause. His answer was most revealing: "He who fights in order to make Allah's law supreme fights for Allah's cause."

"What this Hadith tells us is that it is the propriety of purpose which determined the act of an individual, a community or the state. In other words, the cause for which the war is being fought must be approved by Islam, and the

intention of every single fighter must be the right one. In other words, it is possible that a campaign of jihad may be joined by people who cannot be described as mujahed. As you realize, the term mujahed means a person who makes the efforts to support Allah's cause. Some of those who would join a campaign of jihad may have other purposes for doing so. Therefore, they cannot earn the honour of being mujahed simply because they have joined such a campaign. Let me give you a very clear example. The war of liberation that the Muslim people of Afghanistan fought for over a decade was a war which Islam approves. Therefore, it was a war of jihad. The fighters called themselves Mujahedeen, and rightly so. However, in their ranks, there may have been people who did not consider the establishment of Allah's law in a land of Islam as their prime purpose. Those were not Mujahedeen despite the fact that they were fighting with the Mujahedeen."

## III-Types of Jihad

As we have already submitted to that Jihad is a very wide term than war because it embraces every type of struggle or striving in the cause of Allah. Such struggle may be waged against a foreign invader, against anti-social elements at home, against despotic rulers, against rebels and robbers, or even against the social evils. Similarly such struggle may be waged through physical force, through tongue, through pen, through press or media or by the use of wealth. Thus Jihad is of various types.

**Means:** With reference to means through which it can be waged, Jihad is of following types:

1. Jihad through physical power: Use of hand and sword, use of weapons, etc against the enemy.

2. Jihad through tongue: Attacking the enemy or defending oneself by use of tongue i.e. by making speeches, by making propaganda or psychological war through electronic media.

3. Jihad through pen: By writing books, pamphlets, articles in newspapers, use of press media, etc.

   Jihad through pen and tongue can collectively be called mental or intellectual Jihad. It has been called Jihad-e-Azim by the Quran in its verse No.52 of Surah 25.

4. Jihad through wealth : For example, contributions to war fund of the Islamic state, financial assistance to organizations engaged in Jihad, financial help to the families of the Mujahideen (warriors), equipping the warriors with weapons, transport, clothes and food.

**Enemy:** With reference to enemy against whom Jihad is waged, Jihad is of following main types:

1. Jihad against Nafs or evil soul : This type of Jihad is waged by one against one's ownself in order to overcome one's evil desires, immoral and unlawful ambitions, vices, etc. For example controlling anger, lust and passion comes under this type of Jihad.

   There is a Hadith of the Prophet of Islam narrated by Jabir who said: when we returned from one of the battles the messenger of Allah said to his companions : You have returned from a small battle to a big one and that is battle against the soul which is a big battle (Jihad-e-Akbar).

2. Jihad against foreign enemy: It is waged to repel the foreign aggressor for defence of one's country and faith.

3. Jihad against rebels and terrorists : It is waged to overcome an internal rebellion or disturbance with a view to keep the integrity and solidarity of the state and to safeguard its ideology. Restoration of law and order and authority of the state is its aim.

4. Jihad against social evils : It is waged to combat social evils such as gambling, drinking, prostitution, violation of human rights, child abuses, ignorance, etc.

5. Jihad against natural calamities such as floods, cyclones, outburst of epidemics, helping the earth-quake victims, etc.

6. Jihad to help the oppressed Muslims living in non-Muslim lands.

7. Jihad in the help of the down-trodden and the oppressed persons of one's own country such as destitutes, miserables, disabled, sick, orphans, widows, etc.

8. Constructive Jihad : Nation-building activities such as building of roads, canals, communications, bridges, dams, etc. as well as fighting against illiteracy, disease and poverty are examples of this type of Jihad.

9. Jihad against despotic rulers and tyrants : The Prophet of Islam is reported to have said: To say a word of truth in the presence of a tyrant is great Jihad.

10. Miscellaneous activities called Jihad: Even activities like earning of livelihood through Halal (lawful) means

is Jihad. To enjoin good and forbid wrong is Jihad. To fight for one's rights is Jihad. To defend oneself and one's family against usurpers, thieves and robbers is Jihad. To travel for getting education and knowledge is Jihad. To collect Zakat and other genuine taxes for the state is Jihad, and so on.

Although there are many types of Jihad, but our subject for the purpose of this book is mainly that Jihad which stands for war against the aggressors for cause of Allah and for defence of Islamic faith and Islamic Ummah.

## IV- Virtue and Excellence of Jihad

By Jihad Allah tests the Muslims whether they really believe in Him and whether they are prepared to sacrifice their lives, their properties, their homes, their kith and kin and indeed their everything for the sake of Him. The following verses of Al-Qur'an establish this fact.

1. Do you think that you will be left (without a trial)? And God has not yet known (through trial) which of you exerted your utmost (in His Way) and did not take as intimate friends any other than God, His Messenger and the believers. -----(9:16)

2. O Prophet, tell them plainly, 'If your fathers and your sons, and your brothers and your wives, and your near and dear ones and the wealth you have acquired and the trade you fear may decline and the homes which delight you — if all these things are dearer to you than God and His Messenger and striving in His Way, then wait until God passes His Judgement on you: for God does not guide the wicked people. -----(9:24)

3. And verily We shall try you till We know of you who strive hard (for the cause of Allah) and the steadfast, and till We test your record. -----(47:31)

Jihad is like life-blood in the body politic of Islam as it provides defence and security to Muslim community. The Qur'an, the revealed book of Islam, emphasizes the excellence of Jihad in its various verses.

1. And call not those who are slain in the way of Allah "dead". Nay, they are living, only ye perceive not. -----2:154

2. Warfare is ordained for you, though it is hateful unto you; but it may happen that ye hate a thing which is good for you, and it may happen that ye love a thing which is bad for you, Allah knoweth, ye know not. -----(2:216)

3. Those who believe, and have left their homes and striven with their wealth and their lives in Allah's way are of much greater worth in Allah's sight. These are they who are triumphant. -----(9:20)

4. "Lo! God hath bought from the believers their lives and their wealth because Paradise will be theirs: they shall fight in the path of God and shall slay and be slain. It is a promise which is binding on Him in the Torah and the Gospel and the Qur'an, and who fulfilleth his covenant better than God? Rejoice then in your bargain that ye have made, for that is the supreme triumph". -----(9:111)

5. The (true) believers are those only who believe in Allah and His messenger and afterward doubt not, but strive with their wealth and their lives for the cause of Allah. Such are the sincere. -----(49:15)

6. Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure. -----(61:4)

7. O ye who believe! Shall I show you a commerce that will save you from a painful doom? Ye should believe in Allah and His messenger, and should strive for the cause of Allah with your wealth and your lives. That is better for you if ye did but know. -----(61 : 10-11)

Some of the Ahadith of the Prophet of Islam which count the virtues and excellence of Jihad are reproduced as follows:-

1. Anas reported that the Messenger of Allah said: To go out at morn in the way of Allah or to go out at dusk is better than the world and what is therein.
——(Bukhari and Muslim)

2. Zaid-b-Khalid reported that the Messenger of Allah said: Whoso supplied a warrior with arms in the way of Allah fights indeed a holy fight; and whoso keeps behind a warrior in charge of his family fights indeed a holy fight. ——(Bukhari and Muslim)

3. Khuzaim-b-Fatek reported that the Prophet said: Whoso incurs an expenditure in the way of Allah, there is written for him (rewards) 700 times.
——(Tirmizi, Nisai)

4. Abu Omamah reported that the Messenger of Allah said: The best of charities is the shade of a tent in way of Allah, wages of a servant in the way of Allah, or galloping of a mare in the way of Allah. ——(Tirmizi)

5. Abu Hurairah reported: Whoso meets Allah without any wound of Jihad, meets Allah with defect in him. ——(Tirmizi, Ibn Majah)

6. Abu Omamah reported from the Holy Prophet who said: Nothing is dearer to Allah than two drops and two marks: One drop of tears out of fear of Allah and one drop of blood shed in the way of Allah; and as for the two marks, one mark in the way of Allah, and another mark in (discharge of) an obligatory duty of the obligatory duties of the Almighty Allah. ——(Tirmizi (Approved, Rare)

7. Ali, Abu Darda'a, Abu Hurairah, Abu Omamah, Abdullah-b-Umar, Jaber-b-Abdullah, Imran-b-Hussain (Allah be pleased with them all) – all reported from the Messenger of Allah that he said: Whoso sends contribution in the way of Allah and stays at his house, he will get 700 Dirhams for every Dirham, and whoso fights with his ownself in the Way of Allah and spends for that cause, he will get 70,000 Dirhams for every Dirham. Afterwards he recited the verse: And Allah multiplies for whom He pleases. ——(Ibn Majah)

## V- Who is obliged to wage Jihad?

The Holy Qur'an says: "Fighting is prescribed for you, though it is hateful unto you" (2 : 216). From these words of the Qur'an, some people consider that Jihad is obligatory on every Muslim. But the leading Juris-consults of Islam unanimously hold that Jihad is 'Fard-e-Kafaya (general duty) and not Fard-e-Ain (personal duty). It means if the obligation is accomplished by a sufficient number of people, the rest would be considered absolved from it. This view is supported by a Hadith of the Prophet of Islam reported in Sahih Muslim on the authority of Jabir-bin-Samorah. The Prophet said: "This religion will never cease to exist. A party

of the Muslims shall always fight for it till the Hour (the Day of Judgement) comes to pass". The view is further strengthened by verse 122 of chapter 9 of the Holy Qur'an which lays down : "And the believers should not all go out to fight. Of every troop of them, a party only should go forth, that they (who are left behind) may gain sound knowledge in religion, and that they may warn their folk when they return to them so that they may beware".

However, Jihad becomes Fard-e-Ain i.e. a personal duty of every able bodied adult male Muslim, should an occasion arise when the Islamic state or community is attacked by heavy odds and the Imam (leader) issues a general call to the Muslims for participation in Jihad. In that situation all the adult male Muslims would be under an absolute obligation to respond to the call. If adult male Muslims do not form sufficient numbers to repel the attack, then even the women would be required to participate and assist troops. Women's participation in Jihad is approved by Prophet Muhammad (PBUH) :

(i) Umme Atiyyah reported: I accompanied the Holy Prophet in seven battles. I remained in the rear for their luggage, prepared food for them, nursed the wounded and attended the sick. (Muslim).

(ii) Anas reported that the Holy Prophet used to take Umme Sulaim and some other women of Ansar with him in Jihad. The women used to give water and nurse the wounded. (Muslim).

The disabled and sick persons have been, however, exempted by the Qur'an from participation in Jihad : The Qur'an says: "There is no blame for the blind, nor is there blame for the lame, nor is there blame for the sick (that they go not forth to war)……" (48:17)

Another very important question still remains to be answered and that is who will undertake Jihad–the public or the government? To this question, Dr. Hamidullah provides a well-reasoned answer in his book,. 'The conduct of Muslim state'. He writes : Incidentally, the question is answered in the course of other discussions. So the fact that the Jihad is not considered as a personal duty to be observed by each and every individual, but only a general duty which, if accomplished by a sufficient number, the rest will no more be condemned for the neglect of that duty–this fact renders the administration of Jihad entirely in the hands of the government. The practice of the Prophet also shows the same thing. As early as the constitution of the City State of Madinah, in the first year of the Hijrah, a clause laid down explicitly that to go to war would be only with the permission of Muhammad (the Head of the State), and that war and peace are undesirable things for all the population, Muslim as well as non-Muslim. Pursuing the same principle, either he himself organised the expeditions or delegated its authority to responsible governors or tribal chieftains (cf. Ibn Hisham, p. 954). As for jurists, Abu Yusuf, the Chief Qadi of Haroon-ur-Rashid, says: No army marches without permission of the Caliph. Al-Mawardiy is also clear about it that a war cannot be waged without permission of the Caliph (Central Government).

# CHAPTER 2

# WHY JIHAD IS WAGED?

Why Jihad after all? Why does Islam permit Jihad? Why do the Muslims wage Jihad? These and alike are some of the questions which are generally raised by non-Muslim critics against Islamic doctrine of Jihad. It is perhaps due to misunderstanding of Jihad that Muslims are being labelled, in the world of today, as terrorists, extremists, fundamentalists, militants and harbingers of doom; while Islam is being perceived as threat to international peace and security because in the view of the critics it preaches war and violence.

In this chapter we would try to explain, according to our understanding and knowledge, the philosophy of Jihad and the reasons which justify it. Aims and objectives of Jihad will also be elaborated. So far as the charge of terrorism against the followers of Islam is concerned, we shall examine it in a separate chapter.

## I- Islam is a Religion of Peace

The word 'Islam' literally means 'peace'. It also means submission to the will of Allah, who is the Creator, the Sustainer and Sovereign of the whole universe. In the chain of revealed religions, Islam is the last one. It is the final religion and its message is perfect and complete. Islam came to give peace and security to mankind and being a universal religion for humanity it teaches its followers to live in peace and follow the path of complete submission and obedience to the commands of God.

Thus peace is fundamental to Islam and Islam attaches great sanctity to human life. Of all the things of the

world, human life is no doubt the most valuable one. The life in fact is a trust of Allah and it is the foremost duty of the followers of Islam to preserve and protect it under all circumstances. Al-Qur'an, the revealed book of Islam, highlights the importance of human life when it condemns the first human murder, by a son of Adam who killed his brother, in the following words which have achieved fame of a proverb on the sanctity of human life…." Whosoever killeth a human being for other than manslaughter or corruption in the land, it shall be as if he had killed all mankind, and whoso saveth the life of one, it shall be as if he had saved the life of all mankind. ……." (5:32).

This verse of the Holy Qur'an emphatically asserts the value of human life. According to the Qur'an, human life is so much valuable that murder of even one individual without lawful cause will be treated as if the whole humankind were killed and the preservation of the life of a single person shall be taken as if the whole human race had been saved. A few other verses of the revealed book of Islam are reproduced to emphasise how strongly the assassination of a human being has been forbidden.

1. ……. And that ye slay not the life which Allah has made sacred, save in the course of justice. This He hath commanded you, in order that ye may discern.
-(6:151)

2. Slay not your children, fearing a fall to poverty, we shall provide for them and for you. Lo! the slaying of them is a great sin. -(17:31)

3. And slay not the life which Allah hath forbidden save with right. Whoso is slain wrongfully, We have given power unto his heir, but let him not commit excess in slaying. Lo! he will be helped. -(17:33)

Muhammad (PBUH), the Prophet of Islam has vehemently condemned the crime of murder. Following are some of his reported traditions which highlight this fact.

1. Abdullah-b-Mas'ud reported that the Messenger of Allah said: The murder of a Muslim …… is not lawful except for one of three (persons): life for life, a married adulterer and a retrograde from his religion…… -(Bukhari, Muslim)

2. Abdullah-b-Mas'ud reported that the Messenger of Allah said: The first of what will be decided on the Day of Resurrection among the people will be about (murder). -(Bukhari)

3. Abu Darda'a reported that the Messenger of Allah said: Perchance Allah will forgive every sin except (the sin of) one who dies a polytheist, or one who kills a believer deliberately. -(Abu Daud)

4. Abu Hurairah reported from the Messenger of Allah who said: If all the inhabitants of heaven and earth take part in the murder of a believer, Allah will throw them all unto Hell. -(Tirmizi (rare))

5. The Prophet of Islam, in his world-famous address delivered during last pilgrimage, declared: "Most surely your life, your property and your honour are as sacred as this day of pilgrimage, this month of yours and this town of yours. Surely you will soon meet your Lord and you will be held answerable for your actions". He further reiterated". …… they will save their lives from me (i.e., the state) except when they commit a crime against the law of Islam…… their lives and their properties are sacred to us except when they violate the sanctity of the life and property of others, and Allah alone is the Judge of their intentions". He is

also reported to have once said that a believer's faith continues expanding until he sheds sacrosanct blood.

The above mentioned verses of the Holy Qur'an and the traditions of the Prophet of Islam establish the fact that human life in Islam is held sacred and taking it without lawful cause is a heinous crime and an unpardonable sin.

## II- Why is War Allowed by Islam?

Despite glorifying sanctity of human life and holding life as a sacred trust, Islam permits war in which very many human lives are lost. Why? This is because Islam is a religion of peace and security and it is also a religion of nature and humanity. None understands human nature better than God Who has created the mankind. Human society is not composed of Angels who cannot do any wrong. Evil and good are in the instinct of man. There are certain individuals and groups of people who are evil minded and who do not let others live in peace. They transgress all bounds of morality and laws of society and violate the rights of others. They attack other individuals and nations and deprive them of their homes, property and lives. They subjugate other people, occupy their lands and impose their own laws and values on the conquered people. Thus they create mischief in the earth (fesad fil arz) and persecute the oppressed nations and, therefore, disturb the peace and security of the world. Such mischief mongers and corrupt have to be kept under restraint. This is how the question of war against such anti-human elements comes in. That is why Islam allows retaliation in the case of murder because in the words of the Qur'an: "And there is life for you in retaliation, O men of understanding, that ye may ward off (evil)"-(2:179). And that is why Islam permits war for repelling aggression. The philosophy and rational behind this permission has been explained by the revealed book of Islam thus : "……And if Allah had not repelled some men by others, the earth would

have been corrupted. But Allah is a Lord of Kindness to (His) creatures"-(2 : 251). At another place, the same underlying wisdom has been elaborated further: "For had it not been for Allah's repelling some men by means of others, cloisters and churchs and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down".-(22:40)

The Prophet of Islam and his followers were subjected to the worst type of persecution at Makkah for no fault other than that they worshipped One God and invited the people to the religion of Allah, to the way of belief, piety and justice. But the Quraish of Makkah, who were prophet's own kith and kin, not only opposed and abused him but also inflicted extreme hardships and tyranny on him and his followers. So the Prophet (PBUH) and his followers were forced to leave their homes with their women and children and seek refuge in a far off town called Yasrib (Madinah). Even there, the Muslims were not allowed to live in peace. The non-believers of Makkah with their allies continued threatening and even physically attacking the new abode of Muslims with evil designs of destroying the followers of Islam and their religion completely. It was in these circumstances that the Prophet (PBUH) and his companions were allowed to take up arms in self-defence. The verse of the Holy Qur'an which grants them permission reads: "permission to fight has been granted to those against whom war has been waged because they have been treated unjustly, and God is certainly able to help them. These are the people who have been expelled unjustly from their homes only for the reason that they said 'our Lord is Allah"……(22:39-40). Thus, war is the last resort when there is no other way left to check aggression. The Prophet of Islam is reported to have explained this point to his followers in these words: "Never desire war but pray to Allah for peace and security. And when you are (forced) to fight the enemy, fight with

steadfastness and know that Paradise is under the shadow of swords".

Islam being religion of peace and humanity does not allow war for aggressive designs or with the motives of killing or conquering other human beings. War has been permitted in defence only. Al-Qur'an, the religious scripture of Islam, ordains: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors" (2:190).

## III- Reasons for Which War Allowed

Grounds on which the Muslims are permitted to go to war or the reasons which justify waging of Jihad are now discussed as under :

1. **War against Aggression:** The Muslims are permitted to fight against those who have invaded them or who have invaded their faith or their country. In other words the Muslims are allowed to wage war in defence against the aggressors but they are not permitted to initiate aggression or hostilities against others. Al-Qur'an, the revealed book of Islam, says: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors." ----(2 : 190)

   The first verses of the Qur'an which gave permission to the Muslims to fight against aggression are: "Sanction is given to those who fight because they have been wronged; and Allah is indeed Able to give victory; Those who have been driven from their homes unjustly only because they said, Our Lord is Allah……" -----22(39-40)

Following Hadith of Prophet Muhammad (PBUH) highlights that fight undertaken in defence of one's ownself, one's family, one's property and the cause of Allah is a just war and if the person falls in such defence he is 'shaheed' or a martyr:

"Whoever fights in defence of his person and is killed he is a martyr; whoever is killed in defence of his property is a martyr; whoever fights in defence of his family and is killed, is a martyr; and whoever is killed for the cause of Allah is a martyr."

War in defence can be waged against the enemy who has actually invaded the Muslim state or who has not actually so invaded but has behaved in an unbearable manner and is preparing to invade the Muslim territory. War of Uhud and war of the Trench were waged by the Prophet in defence against the aggressors who had actually invaded Madinah, whereas attach on Khaiber is in the nature of nipping the evil in the bud.

2. **War against Persecution:** It is war waged for a just cause against those oppressors and persecutors who restrain the Muslims from practicing their religion. Those who stop the Muslims from the way of Allah and put restrictions on the religious freedom of the Muslims, they commit a crime against Islam. The Holy Qur'an enjoins upon the Muslims to wage war against such persecuters. The Qur'an says: "Those who disbelieve and turn (men) from the way of Allah, He rendereth their actions vain." -----(47 : 4) "And fight them until persecution is no more and religion is all for Allah. But if they cease , then lo! Allah is Seer of what they do." ---(8 :39)

The followers of Islam have been exhorted to fight against those people who drive the Muslims from their homes and land and who persecute them because of their religious beliefs. The Qur'an says: "And slay them wherever ye find them and drive them out of the places whence they drove you out." -----(2 191) At another place the Holy Book of Islam says: "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory; Those who have been driven from their homes unjustly only because they said, Our Lord is Allah ……." 22 : (39 : 40)

War against persecutor is justified as persecution is worse than manslaughter. The Qur'an says: "They question thee (O Muhammad) with regard to warfare in the sacred month. Say: Warfare therein is a great (transgression), but to turn (men) from the way of Allah, and to disbelieve in Him and in the Inviolable Place of worship, and to expel His people thence, is greater with Allah; for persecution is worse than manslaughter. And they will not cease from fighting against you till they have made you renegades from your religion, if they can……." (2 : 217)

The Qur'an warns the believers not to make such people their friends, thus: "Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friend of them……." (60 : 9)

3. **War in support of oppressed Muslims living in non-Muslim lands:** If oppressed Muslims living in a non-Muslim country seek help of the Islamic state against their non-Muslim Government, help might be given to them. The Holy Qur'an enjoins upon its

followers to help their oppressed and persecuted brothers in these words: "How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out of this town of which the people are oppressors! Oh, give us from Thy presence some protecting friend! Oh, give us from Thy presence some defender!" -----(4 : 75)

However, such help is not unconditional. Such help cannot be given against a state with whom the Islamic state has treaty-relations. The Holy Qur'an says: "……And those who believed but did not leave their homes, ye have no duty to protect them till they leave their homes; but if they seek help from you in the matter of religion then it is your duty to help (them) except against a folk between whom and you there is a treaty. Allah is Seer of what ye do." -----(8 : 72)

4. **War against those who break treaties:** Islam gives utmost honour to international treaties and conventions. However, it permits the Islamic state to take punitive action against those people or nations who have made treaties with the Islamic state but they either break such treaties openly or deceitfully indulge in hostile activities against the Islamic state in utter disregard of such treaties. The Holy Qur'an says:

    1. Those of them with whom thou maddest a treaty, and then at every opportunity they break their treaty, and they keep not duty to (Allah): If thou comest on them in the war, deal with them so as to strike fear in those who are behind them, that haply they may remember. And if thou fearest treachery from any folk, then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous" ----(8 : 56 – 58)

2. Excepting those of the idolaters with whom ye (Muslims) have a treaty, and who have since abated nothing of your right nor have supported anyone against you (As for those), fulfil their treaty to them till their term. Lo! Allah loveth those who keep their duty (unto Him).

-----(9 : 4)

3. And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief – Lo! they have no binding oaths–in order that they may desist. Will ye not fight a folk who broke their solemn pledges, and purposed to drive out the messenger and did attack you first……..

-----(9 : 12 – 13)

Instances of such wars in the reign of the Prophet of Islam are the conquest of Makkah by the Prophet to punish the pagans of Makkah who had broken the treaty of Hudaibiyah and invaded the territories of the allies of the Islamic state, and the action of the Prophet against Jewish tribe Banu Quraizah of Madinah who had helped the Quraish in the Battle of Trench in clear violation of pact of Madinah.

5. **War against internal enemies:** Islam permits the Muslim state to wage war against hypocrites, apostates, rebels and terrorists who raise standard of rebellion, refuse to pay Zakat and other taxes, openly disobey the laws of Islam, pose a danger to peace and security, undermine the law and order, and threaten the integrity and ideological basis of the state. The Qur'an says:

– O Prophet! Strive against the disbelievers and the hypocrites! Be harsh with them. Their ultimate abode is Hell, a hapless Journey's end.

-----(9 : 73)

– O Prophet! Strive against the disbelievers and the hypocrites and be stern with them. Hell will be their home, a hapless journey's end.

-----(66 : 9)

The Qur'an sanctions action against rebels, terrorists, robbers and disturbers of peace in these words: "The only reward of those who make war upon Allah and His messenger and strive after corruption in the land will be that they will be killed or crucified, or have their hands and feet on alternate sides cut off or will be expelled out of land. Such will be their degradation in the world, and in the Hereafter theirs will be an awful doom; Save those who repent before ye overpower them. For know that Allah is Forgiving, Merciful." -----(5 : 33 – 34)

Instances of war of action against such people are found in caliph Abu Bakr's war against rebels and apostates who refused to pay Zakat, and Caliph Ali's military expeditions against Kharijites.

## IV-Aims and Objectives of Jihad

Islam, as we have already discussed, is a religion of peace and of humanity and it propagates peace and security. Islam sanctions war only in exceptional circumstances and that too in defence of Islamic faith, Islamic state, oppressed Muslims and for any other just cause against aggressors, persecutors, oppressors, terrorists and disturbers of peace and security. No wars with material designs to establish empires, to subjugate other nations, to occupy other countries, to expand Islamic state, to promote trade or commercial interests are allowed by Islam. Nor the use of sword or melitary power is permitted to forcibly convert the non-Muslims to Islam. There is no compulsion in religion, as stressed by the Holy Qur'an (2 : 256), and so no Jihad can be undertaken by the Muslims to

bring others into the fold of Islam. In fact, Jihad is waged with very noble objectives which in brief are underlined as follows:

1. **To Fight for the Cause of Allah:** The Qur'an exhorts the believers to fight for the cause of Allah with their lives and their wealth in these words: "O, ye who, believe! Shall I show you a commerce that will save you from a painful doom? Ye should believe in Allah and His messenger, and should strive for the cause of Allah with your wealth and your lives. That is better for you, if ye did but know." -----(61 : 10-11)

   Again the Holy Qur'an says: "Fight in the way of Allah, and know that Allah is Hearer, Knower." (2:244). "And verily we shall try you till we know those of you who strive hard (for the cause of Allah) and the steadfast, and till We test your record" (47 : 31). "The (true) believers are those only who believe in Allah and His messenger and afterward doubt not, but strive with their wealth and their lives for the cause of Allah. Such are the sincere." (49 : 15). Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure." -----(61 : 4)

   Thus the first aim of Jihad is waging war for the cause of Allah and none else. Jihad is waged in the way of Allah for a just cause with a motive to earn the goodwill and pleasure of Allah. For a true Muslim and a real believer in Islam, there cannot be a nobler aim of jihad than pleasing God. If jihad is waged for any other motive such as to gain material benefits or to earn fame or to please a human being or to elevate the name of one's tribe or country, it is not favoured

by Allah and Allah's Messenger. This is evident from the following traditions of the Prophet of Islam.

(a) Abu Musa reported that a man came to the Messenger of Allah and enquired: A man fights for booty, a man fights for fame, and a man fights that his position may be known – who then (fights) in the way of Allah? He said: Whoso fights to raise highest thereby the word of Allah, is in the way of Allah. ——(Bukhari, Muslim)

(b) Ubadah bin Thamat reported that once the Messenger of Allah said "whoever goes to fight in the way of Allah and has the intention to get one rope of a camel, he will get only that rope. He will not get any reward."
——(Hadith quoted by Encyclopedia of Seerah)

(c) Muadh bin Jabal reported Allah's messenger as saying: "Fighting is of two kinds. The one who seeks God's favour, obeys the leader, gives property he values, helps his associates and avoids doing mischief will have a reward for all the time he is asleep and awake, but the one who fights in a boasting spirit, for the sake of display and to gain a reputation, who disobeys the leader and does mischief in the earth will not return without blame." (In other words, he will suffer punishment). ——(Mishkat)

**2. Self Defence:** Second aim of jihad is self-defence, defence of one's faith and religion, and defence of helpless men, women and children. The Qur'an says: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors …." (2 : 190). When the Prophet and his followers were driven from Makkah and they

settled at Madinah, Allah permitted them to fight: "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory; Those who have been driven from their homes unjustly because they said: "Our Lord is Allah …." (22 : 39-40). For protection and help of weaker men, women and children, Qur'an enjoins upon the believers to fight in these words: "How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from this town of which the people are oppressors! Oh God, give us from Thy presence some protecting friend! Oh, God give us from Thy presence some defence!"(4 : 75)

3. **To Protect Religious Freedom:** The aim of war is not only to safeguard religion of Muslims only but also to protect religious freedom and places of worship of other religions. The Qur'an says: "For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down……" (22:40). In this verse, the Qur'an has mentioned a universal principle of Allah that He replaces one people by the other through war so that one dominant group should not weild power in earth permanently and may not destroy the places of worship of various religions wherein the Name of Allah is remembered.

4. **To Eliminate Persecution:** Another objective of jihad in Islam is to end persecution, oppression, tyranny, aggression. The Qur'an says: "And fight them until persecution is no more, and religion is for Allah. But if they desist, then let there be no hostility except against wrongdoers." (2:193). At another place the revealed book of Islam enjoins upon the believers

thus: "And fight them until persecution is no more, and religion is all for Allah. But if they cease, then lo! Allah is Seer of what they do" (8:39). Persecution, in the sight of Allah is worse than slaughter, and this fact has been emphasized by the Qur'an on many occasions:" And slay them wherever ye find them, and drive them out of the places whence they drove you out, for persecution is worse than slaughter ……" (2:191). At another place, persecution has been held even worse than fighting in the forbidden months. With regard to this, the Qur'an says: "They question thee (O Muhammad) with regard to warfare in the sacred month. Say: Warfare therein is a great (transgression), but to turn (men) from the Way of Allah, and to disbelieve in Him and in the Inviolable place of worship, and to expel His people thence, is a greater with Allah; for persecution is worse than killing" (2:217).

5. **To Establish Peace:** The ultimate aim of Jihad is to establish peace. The believers have been enjoined upon to be prepared for peace even in the midst of war provided their enemy shows any inclination for peace. The Qur'an says: "And if they incline to peace, incline thou also to it, and trust in Allah….." (8:61).

## V-Philosophy of Jihad

The philosophy of Jihad in Islam has been underlined by the revealed book of Islam, the Qur'an, in its verse No. 40 of Surah Al-Hajj which reads"….. For had it not been for Allah's repelling some men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly have been pulled down ….." (22:40). The same principle has been reiterated by the Holy book in another verse which states: "…..And if Allah had not repelled some men by others, the earth would

have been corrupted. But Allah is a Lord of Kindness to (His) creatures" (2:251). According to the principle laid down in these verses, power in the earth does not belong permanently to one group or one class or clan of persons. Power corrupts man and absolute power corrupts him absolutely. Had power been vested in one set of people or one group of persons permanently, the earth would have been filled with corruption, chaos and oppression. The powerful people would have let loose a reign of terror on the others by subjugating them to the worst type of tyranny. They would have not only terrorized the subjugated people physically, but also they would have destroyed their places of worship like churches, synagogues and mosques, etc. Thus, the permanent power in the hands of one group would have completely annihilated other groups of human beings, their houses, their belongings and their religious places wherein the Name of Allah is often mentioned. To prevent this corruption, oppression and disorder in the land, nature uses weapon of war. The group in power falls on account of its corruption and other reasons while the other group which is generally better comes to power. That other group remains in power till it starts committing the same excesses and indulging in the same corruption. So, they are replaced by another group and this cycle goes on.

Islam is a universal religion. It is a religion of nature, a religion of humanity. Its God is one God, i.e. Allah Who is very kind to His creatures. According to His wisdom, He does not let one people hold power in His earth permanently. He tries the human beings and replaces one people or one nation by the other through the instrument of war or Jihad. This philosophy of Jihad in Islam explains the phenomenon of rise and fall of various nations and different civilizations in the world.

The philosophy of Islamic Jihad, briefly speaking, is to establish kingdom of God on earth so that word of God

should reign supreme in the world. The Islamic conception of life is based on the Unity of God and vicegerency of the Godly man on earth. It implies the establishment of virtuous state on earth which stands for peace, rule of law and justice, universal brotherhood and equality of man, freedom of religion and conscience, complete submission of man to the supreme will of his creator the Almighty God. It acts for complete elimination of persecution, oppression, tyranny, enslavement of man by man, racial and ethnical biases and socio-economic evils. Islam is the last one in the chain of revealed religions and Muhammad (PBUH) is the final messenger of Allah in the chain of prophets sent by God for the guidance of mankind. No other religion would be revealed after Islam and no other prophet would be sent after Muhammad (PBUH) for the guidance of humanity. So God has made the followers of Islam leaders of mankind and has assigned them the task of promoting the good, suppressing the evil and establishing the rule of Allah on earth. The Qur'an says:

1. Say (O Muslims) : We believe in Allah and that which is revealed unto us and that which was revealed unto Abraham, and Ishmael, and Isaac, and Jacob, and the tribes, and that which Moses and Jesus received from their Lord. We make no distinction between any of them, and unto Him we have surrendered. –(2:136)

2. Thus we have appointed you a middle nation, that ye may be witnesses against mankind, and that the messenger may be a witness against you. –(2:143)

3. Lo! religion with Allah is the Surrender (Islam)…… –(3:19)

4. And whoso seeketh as religion other than the Surrender (to Allah) it will not be accepted from him, and he will be a loser in the Hereafter. –(3:85)

5. Ye (the Muslims) are the best community that hath been raised up for mankind. Ye enjoin right conduct and forbid indecency (evil); and ye believe in Allah. –(3:110)

6. He it is who hath sent His messenger with the guidance and the Religion of Truth, that He may cause it to prevail over all religion, however much the idolaters may be averse. –(9:33)

7. And verily We have written in the Scripture, after the Reminder : My righteous slaves will inherit the earth. –(21:105)

8. Those who, if We give them power in the land, establish worship (salat) and pay the poor-due (zakat) and enjoin good and forbid wrong…….. –(22:41)

The summary of the teachings of revealed book of Islam elaborated in the above mentioned verses is this: Islam is the only religion acceptable to God. The Muslims are a middle nation (moderate people who are not extremists) and have been appointed witnesses against mankind (to supervise the conduct of other nations). The Muslims believe in One God, in all the revealed books of God and in all the prophets of God including Abraham, Moses and Jesus Christ, and thus being the upholders of universal religion and inheritors of teachings of all the prophets they are the best community that has been raised for the guidance of mankind. Since they are the righteous slaves of God, they will inherit vicegerency of God on earth and their religion would prevail over all other religions. They would establish Islamic way of life on earth and shall promote the good and forbid evil. It is the achievement of this ideal that the whole philosophy of Jihad aims at.

# CHAPTER 3

# STATUS OF A MUJAHID

The word 'Jihad' as we have already explained, means struggle or exertion undertaken for a noble cause. In Islam, Jihad stands for a struggle or war undertaken by the Muslims in the path of God for a just cause and for the defence of Islam. A Muslim who participates in such struggle and wages Jihad for the cause of Allah is called Mujahid. Thus Mujahid is a person who fights in the way of Allah for the defence of Islam or Islamic state. The sole objective of all of his efforts is to ensure that the word of God shall alone prevail. A Mujahid expends all of his abilities and powers in fighting in the path of Allah by means of life, property, tongue, pen and other than these. The slightest desire for worldly gains pollutes the purity and mars the nobleness of the cause of Jihad and thus deprives the Mujahid of reward of Paradise.

In brief, Mujahid is one who spends all his efforts and resources for Islam and fights against all those forces who try to harm the cause of his faith, so much so that he does not hesitate to put even his very life in danger.

A Mujahid who survives in a battle field is called 'Ghazi'. But if he falls or dies is called 'Shaheed'.

## I- Rewards for a Warrior (Mujahid)

A warrior or a mujahid who fights in the way of Allah to earn the pleasure of Allah for a just cause or in self-defence or in the defence of his faith and country, gets much virtue and reward in this world as well as in the next world. Not only his county and countrymen hold him in high esteem but also Allah will bestow on him His blessings and rewards

in this world and in the next world. Following verses of al-Qur'an and Ahadith of the Prophet throw light on this fact.

**Verses of the Qur'an:**

1. Lo! those who believe, and those who emigrate (to escape the persecution) and strive in the Way of Allah, these have hope of Allah's Mercy, Allah is Forgiving Merciful. ——(2:Al-Baqarah:218)

2. And with how many a prophet have there been a number of devoted men who fought (beside him). They quailed not for ought that befell them in the way of Allah, nor did they weaken, nor were they brought low. Allah loveth the steadfast. ——(3:Al-Imran : 146)

3. Let those fight in the way of Allah who sell the life of this world for the other. Whoso fighteth in the way of Allah, be he slain or be he victorious, on him We shall bestow a vast reward. ——(4:An-Nisa : 74)

4. Those of the believers who sit still, other than those who have a (disabling) hurt, are not on an equality with those who strive in the way of Allah with their wealth and lives. Allah hath conferred on those who strive with their wealth and lives a rank above the sedentary. Unto each Allah hath promised good, but He hath bestowed on those who strive a great reward above the sedentary; Degrees of rank from Him, and forgiveness and mercy. Allah is ever Forgiving, Merciful. ——(4:An-Nisa : 95-96)

5. Count ye the slaking of a pilgrim's thirst and tendance of the inviolable Place of Worship as (equal to the worth of him) who believeth in Allah and the Last Day, and striveth in the way of Allah? They are not equal in the sight of Allah. Allah guideth not wrongdoing folk.

Those who believe, and have left their homes and striven with their wealth and their lives in Allah's way are of much greater worth in Allah's sight. These are they who are triumphant. Their Lord giveth them good tidings of mercy from Him, and acceptance, and Gardens where enduring pleasure will be their; There they will abide for ever. Lo! with Allah there is immense reward. ——(9:At-Taubah : 19-22)

6. But the messenger and those who believe with him strive with their wealth and their lives. Such are they for whom are the good things. Such are they who are the successful. Allah hath made ready for them Gardens underneath which rivers flow, wherein they will abide. That is the supreme triumph.
——(9:At-Taubah : 88-89)

7. Lo! Allah hath bought from the believers their lives and their wealth because the Garden will be theirs: they shall fight in the way of Allah and shall slay and be slain. It is a promise which is biding on Him in the Torah and the Gospel and the Qur'an. Who fulfilleth the covenant better than Allah? Rejoice then in your bargain that ye have made, for that is the supreme triumph. ——(9:At-Taubah : 111)

8. It is not for the townsfolk of Al-Madinah and for those around them of the wandering Arabs to stay behind the messenger of Allah and prefer their lives to his life. That is because neither thirst nor toil or hunger afflicteth them in the way of Allah, nor step they any step that angereth the disbelievers, nor gain they from the enemy a gain, but a good deed is recorded for them therefor. Lo! Allah loseth not the wages of the good. Nor spend they any spending, small or great, nor do they cross a valley, but it is recorded for them,

that Allah may repay them the best of what they used to do. ——(9:At-Taubah : 120-121)

9. And what aileth you that ye spend not in the way of Allah, when unto Allah belongeth the inheritance of the heavens and the earth? Those who spent and fought before the victory are not upon a level (with the rest of you). Such are greater in rank than those who spent and fought afterwards. Unto each hath Allah promised good. And Allah is informed of what ye do. ——(57:Al-Hadid : 10)

10. Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure.
——(61:As-Saff : 4)

**Ahadith of Prophet Muhammad (PBUH):**

1. Abu Hurairah reported that the Messenger of Allah said: The likeness of a fighter in the way of Allah is like the likeness of one who fasts, stands up (in prayer) and obeys the verses of Allah without any break of fast and prayer till the fighter returns to the way of Allah. ——(Bukhari and Muslim)

2. Abdullah-b-Amr reported that the Messenger of Allah said. There is no band or battalion of an army who fight, earn booty and then return safe except that they hasten to two-thirds of their rewards; and there is no band or battalion of an army who are pierced and wounded except that their rewards become complete.
——(Muslim)

3. Abu Hurairah reported that one of the companions of the Holy Prophet passed through the valley of a hill wherein there was a fountain of sweet water. It pleased him most and he said: Would that I should

have retired from men and settled in the cave of the hill. It was mentioned to the Prophet. He said: Do (it) not, because the rank of one of you in the way of Allah is better than his prayer for 70 years in his house. Don't you like that Allah should forgive you and admit you in heaven? Fight in the way of Allah. Whoso fights in the way of Allah even for an interval between two milking of a she-camel, Paradise is sure for him.

——(Tirmizi)

4. Abu Hurairah reported that a man asked : O Messenger of Allah! A man intends to fight in the way of Allah and seeks the vain goods of this world. The Holy Prophet said: There is no reward for him.

——(Abu Daud)

5. Mu'az reported that the Messenger of Allah said: Battle is of two kinds. As for (the Battle of) one who seeks the pleasure of Allah, obeys the commander, spends the most valuable property, has got easy dealings with co-sharer and avoids dispute, everything–his sleep and his wakefulness–is a reward. As for one who fights for heroism, vanity and show and disobeys the commander and spreads dissension in the earth, he will surely not come back with full hand. ——(Malek, Abu Daud, Nisat)

6. Abu Hurairah reported that the Holy Prophet said: Allah responds to one who comes out to fight in His way–Nothing takes him out but faith in Me and attestation to the truth of My Prophets, so that I may send him back with reward he gets or booty, or I may admit him in Paradise. ——(Bukhari, Muslim)

7. Abu Hurairah reported that the Messenger of Allah said: An infidel and his murderer will never unite in Hell. ——(Muslim)

8. Abu Hurairah reported that the Messenger of Allah said: None is wounded in the way of Allah (and Allah knows who receives wound in His way) except that he will come on the Resurrection Day with his wound pouring out blood, colour of which is the colour of blood, and fragrance is of musk.——(Bukhari, Muslim)

9. Mu'az-b-Jabal reported that he heard the Messenger of Allah say: Whoso fights in the way of Allah for even an interval of a camel's milkings, Paradise becomes sure for him. And whoso is injured with an wound in the way of Allah, or is afflicted with a mishap, it will come on the Resurrection Day mostly like what it is; its colour will be like saffron and fragrance like muslk. And whoso has got a boil in the way of Allah, verily there will be the seal of the martyrs over it.
——(Tirmizi, Abu Daud, Nisai)

10. Thauban reported that the Messenger of Allah said: of two groups of my followers whose liberation from the Hell is written by Allah, the first ones are those who will fight against India, and the second ones, those who will be with Jesus son of Mary in the last times.
——(Tibrani)

11. Abu Hurairah reported that the Prophet (PBUH) promised with us about Jihad with India. So if I find it I would participate in it with myself and my wealth. If I were killed I would by one of the best martyrs. And if I returned alive I would be Abu Hurairah free from Hell. ——(An-Nisai)

## II- Rewards for a Martyr

One who is killed in the way of Allah fighting for his faith or for his country for a just cause or for self-defence and defence of his family or his property, he is martyr. A

person who is killed in a Jihajd is called 'Shaheed' in Islam. A 'Shaheed' or a martyr enjoys high ranks and numerous rewards from Allah. Below are given some verses of the Holy Qur'an and Ahadith of the Prophet of Islam which highlight the rewards and blessings bestowed on a person dying in Jihad.

**Verses of the Qur'an :**

1. And call not those who are slain in the way of Allah "dead". Nay, they are living, only ye perceive not.
—(2:Al-Baqarah : 154)

2. And what though ye be slain in Allah's way or die therein? Surely pardon from Allah and mercy are better than all that they amass. What though ye be slain or die, when unto Allah ye are gathered?
—(3:Al-Imran : 157-158)

3. Think not of those, who are slain in the way of Allah, as dead. Nay, they are living with their Lord they have provision. Jubilant (are they) because of that which Allah hath bestowed upon them of His bounty, rejoicing for the sake of those who have not joined them but are left behind: that there shall no fear come upon them neither shall they grieve. They rejoice because of favour from Allah and kindness, and that Allah wasteth not the wage of the believers.
—(3:Al-Imran : 169-171)

4. Whoso obeyeth Allah and the messenger, they are with those unto whom Allah hath shown favour, of the Prophets and the saints and the martyrs and the righteous. The best of company are they!
—(4:An-Nisa : 69)

5. ……And those who are slain in the way of Allah, He rendereth not their actions vain. He will guide them and improve their state, And bring them in unto the Garden which He hath made known to them.
——(47:Muhammad : 4-6)

**Traditions of Prophet of Islam :**

1. Abu Hurairah reported that the Holy Prophet said: By One in Whose Hand there is my life, had not some of the believers taken pleasure to themselves to remain behind me, and had I not found wherewith I would have thought it proper to attack them, I would not have remained behind from my army who fight in the way of Allah. By Him in Whose Hand there is my life, how much do I like that I should be martyred in the way of Allah and then be brought back to life, and then be martyred and then be brought back to life, and then be martyred. ——(Bukhari and Muslim)

2. Anas reported that the Messenger of Allah said: There will be none entering Paradise who will like to come back to this world and to have that is in the earth except a martyr. He will wish to return to the world and then be martyred ten times on account of the honour he sees. ——(Bukhari and Muslim)

3. Fuzalah-b-Obaid reported from the Messenger of Allah who said: A seal is put over the actions of every dead man except one who dies guarding in the way of Allah, and verily his actions will increase for him up to the Resurrection Day, and he is safe from the punishments of the grave. ——(Tirmizi, Abu Daud)

4. Abu Malek al-Ash'ari reported: I heard the Messenger of Allah say: Whoso goes out in the way of Allah and then dies or is killed, or his horse or his camel tramples

him to death, or a serpent bites him, or he dies upon his bed of whatever calamity Allah wishes, he is a martyr and there is certainly Paradise for him.
—(Abu Daud)

5. Salman, the Persian, reported: I heard the Messenger of Allah say: Guarding for a day and a night in the way of Allah is better than fasting for a month and praying it. If he dies, his action which he used to do would continue for him and he will be rewarded with sustenance and he will be safe from mischief makers.
—(Muslim)

6. Anas reported that Rubayyen-b-Bara'a (and she was the mother of Haresah-b-Solaqah) came to the Holy Prophet and asked: O Prophet of Allah! Will you not inform me about Haresah who was killed in the battle of Badr? A sudden shot killed him. If he is in Paradise, I keep patience; and if he is otherwise, I shall exert hard in weeping for him. He said: O mother of Haresah! There are some gardens in Paradise, and verily your son got the highest Ferdous. —(Bukhari)

7. Abu Hurairah reported that the Messenger of Allah asked: Whom do you count as a martyr among you? They replied: O Messenger of Allah! Whoso is killed in the way of Allah is a martyr. He remarked: Verily the martyrs of my followers are then certainly few. Whoso is killed in the way of Allah is a martyr; whoso dies in the way of Allah is a martyr, whoso dies of plague is a martyr, and whoso dies of bowel complaints is a martyr. —(Muslim)

8. Ibn Abbas reported that the Messenger of Allah said to his companions: When your brethren will be killed in the Battle of Uhud, Allah will put their souls in the belly of a green bird which will frequent the rivers of

Paradise eating its fruits and taking shelter of gold lamps and hanging under the shade of the Throne. When they will find the fragrance of their eatables, their drinks and their sleeping beds, they will exclaim: Who will convey message from us to our brethren that we are alive in Paradise, so that none will excite disinterest about Paradise and to participate in Jihad? Then the Almighty Allah will say: I shall convey to them on your behalf. So the Almighty Allah revealed : "And you must not consider those who are martyred in Allah's way as dead, but they are alive"–up to the last verse. ——(Abu Daud)

9. Abdur Rahman-b-Abi Amirah reported that the Messenger of Allah said: No Muslim soul which its Lord takes away will like to return to you and to have for it this world and what is therein except a martyr. Ibn Amirah said that the Holy Prophet had said: That I should be killed in the way of Allah is dearer to me than there should be for me the inhabitants of camps and buildings. ——(Nisai)

10. Hasna'a-bn-Muwayiah reported: My uncle informed me. He said: I asked the Prophet: Who is in Paradise? He replied The Prophet is in Paradise, the martyr is in Paradise, the new born babe is in Paradise, and the one buried alive is in Paradise. ——(Abu Daud)

11. Abu Qatadah reported that the Messenger of Allah stood among them and said to them that Jehad in the way of Allah and belief in Allah are the best of actions. A man stood and asked, O Messenger of Allah inform me that if I be killed in the way of Allah, my faults will whether be atoned for. The Holy Prophet replied to him: Yes, provided you are killed in the way of Allah, while you are patient, hopeful of reward, advancing forward without retracing back. Then the Messenger

of Allah asked: How have you said? He enquired: Inform me that if I be killed in the way of Allah, will it atone for my sins? 'Yes', said the Prophet, provided you are patient, hopeful of reward, advancing forward without retracing back except debt, because Gabriel told me that. ——(Muslim)

12. Abu Hurairah reported that the Messenger of Allah said: The first three persons entering Paradise were presented to me: A martyr, and a self-denying man abstaining from begging, and a slave who does good divine service and wishes the welfare of his master.
——(Tirmizi)

13. Maqdam-b-Ma'ad-i-Kareb reported that the Messenger of Allah said: There are six virtues of a martyr near Allah. At the first instance he is forgiven, he is shown his place in Paradise, he is protected from punishment of the grave, he is kept safe from the great catastrophe, a crown of glory is put upon his head, one jewel of which is better than the world and what is therein, he will be married to seventy two wives of black eyed virgins, and he will be given permission to make intercession for seventy of his relations. ——(Tirmizi, Ibn Majah)

14. Maqdam reported that the Messenger of Allah said: A martyr will not feel the pangs of murder except as one of you feels pangs of a sting.
——(Nisai, Tirmizi (Approved, Rare)

15. Fuzalah-b-Oabid reported: I'heard Omar-b-Al-Khattab say: I heard the Prophet say: Martyrs are four–a believing man of faith who meets enemy and believes Allah as true till he dies, he is one towards whom people will raise up their looks on the Resurrection Day like this. Then he raised up his head till his cap

fell down (I don't know whether it was the cap of the Prophet or of Omar). He said: A believing man of firm faith who meets enemy whose skin has been as it were pierced with thorny acacia shrubs out of cowardice, a sudden arrow comes across him and it kills him, he is in the second rank; and a believing man who mixes up good works and meets enemy and believes Allah as true till he is killed, he is in the third rank; and a believing man who commits oppression on his soul, meets enemy and believes Allah as true till he is killed, he is in the fourth rank.

——(Tirmizi (Approved, Rare)

16. Otbah-bin-Abd as Sullami reported that the Messenger of Allah said: Martyrs are three–a believer who fights in the way of Allah with his ownself and property and when he encounters the enemy he fights till he is killed. The Messenger Allah said about him: That is the martyr who has been examined for Allah under His Throne. Prophet will not excel him except in the degree of prophethood. And (another is) a believer who mixes good works with other evil works, fights with his ownself and his property in the way of Allah and meets the enemy and fights till he is killed. The Messenger of Allah said about him–He is a purifier that effaces his sins and his faults. Verily the sword is a great effacer of faults. He will be admitted in Paradise through whichever door he likes, And (another is) a hypocrite who fights with his self and property, meets enemy and fights till he is killed–he is in Hell. Verily the sword does not efface hypocrisy. ——(Darimi)

# CHAPTER 4

# PRINCIPLES OF WAR

For successful operation of war and for gaining victory over the enemy there are certain universally recognized principles which are also called war tactics or war strategy in military terminology. Some of such principles or war tactics which have been recommended by military genius and war experts are:

1. Preparedness for war: It includes proper training of soldiers, availability of latest weapons in adequate quantity, and arrangement of other material resources.

2. Noble objectives of war: Setting some noble and ideological objectives before the warriors and convincing them of the righteousness of the cause is a great psychological and moral element which ensures dedication and commitment of the warriors.

3. Battle formation or organisation of military force.

4. Economy of force.

5. Rapidity of movement or mobility: Essence of war is to take advantage of the enemy's unreadiness, to make your way by unexpected routes and to take unguarded spots. Rapidity also helps to obstruct and pre-empt enemy's plans and prevent junction of enemy's forces.

6. Element of surprise.

7. Initiative and ability to take offensive action at right time.

8. Exploitation of success: To follow up the success gained against the enemy and to pursue him with utmost energy helps in consolidating the fruits of victory.

9. Reinforcement of failure.

10. Unity of command.

11. Morale of the troops.

12. Effective use of geography and terrain of the region for war purposes.

13. Security and intelligence: As for as possible the latest information through intelligence services should be obtained about the troops and movements of the enemy, while complete secrecy should be maintained about own troops and movements.

14. Propaganda and psychological war.

15. Maintenance of supply lines in respect of food and equipments.

16. Striking weak points of the enemy first in preference to strong points.

Let us now examine, in the light of these universally recognized principles, the conduct of Jihad by Islam with special reference to the war policy of the Prophet of Islam.

# I- Preparedness for War

About preparedness for war, the Holy Qur'an enjoins upon its followers: "Make ready for them all you can of (armed) force and of horses tethered, that thereby ye may dismay the enemy of Allah and your enemy, and others beside them whom ye know not ……" (8:60). In another verse the revealed book of Islam exhorts the Muslims : "O ye who believe! Take your precautions, then advance the proven ones, or advance all together"-(4:71). Prophet Muhammad (PBUH), in his following traditions, emphasised acquiring of military training and skill to use weapons:

1. Oqbah-b-A'mer reported: I heard the Messenger of Allah say while he was delivering sermon upon the pulpit : Prepare strength for them as far as you can. Behold! strength is shooting; behold! Strength is shooting; behold! Strength is shooting. –(Muslim)

2. Oqbah bin A'mer reported: I heard the Messenger of Allah say: The Byzantines will soon be conquered by you and Allah will then defend you. So none of you should be careless as not to employ his arrows. –(Muslim)

3. Oqbah bin A'mer reported : I heard the Messenger of Allah say: Whoso learns archery and then leaves it is not of us or is disobedient. –(Muslim)

4. Abu Hurairah reported that the Messenger of Allah said: Who-so keeps a horse confined in the way of Allah out of belief in Allah and belief in His Covenant, then its food, its drinks, its dung and its urine will be in his scale on the Resurrection Day. –(Bukhari)

5. Oqbah-b-A'mer reported: I heard the Messenger of Allah say: Allah will admit three persons in Paradise

for an arrow, the maker who hopes good in making, one who shoots it, one who throws it and one who hands it over. So shoot and ride on; and your shooting is better to me than your riding. Everything with which a man plays is vain except his shooting with his arrow, his training of his horse and his sporting with his wife, because they pertain what is right.

–(Tirmizi Ibn Majah, Abu Daud)

6. Abu Najih Sulami reported: I heard the Messenger of Allah say: He who causes an arrow to hit its mark in the way of Allah, will get a rank in Paradise, and he who shoots an arrow in the way of Allah will get the reward of emancipation of a slave and he who grows old in Islam will have a light on the Resurrection Day.

–(Baihaqi, Nisai, Tirmizi)

7. Abu Hurairah reported that the Messenger of Allah said: There is no competition except in archery, or in racing camel or horse. –(Tirmizi, Abu Duad, Nisal)

8. Syeb-b-Yezid reported: The Apostle of Allah had two coats of mail on the Day of Uhud in the midst of which he came out. –(Abu Daud, Ibn Majah)

9. Ibn Abbas reported that the banner of the Holy Prophet was black and its ensign was white.

–(Tirmizi, Ibn Majah)

10. Abdur-Rehman-b-Auf reported: The Apostle of Allah trained us in ranks for one night at Badr. –(Tirmizi)

11. Anas reported that Abu Talha used to practice archery with the Holy Prophet with the same shield and Abu Talha was a good archer. Whenever he shot, the Prophet went there and watched where his arrows went. –(Bukhari)

12. Anas reported that the Messenger of Allah said: Fortune lies in the forelocks of horses. –(Bukhari, Muslim)

The practice of the Prophet of Islam shows that he attached paramount importance to training of his companions and followers in the art of warfare. He also encouraged them to acquire skill in using the weapons of war like arrows, swords, etc. Horse-riding, horse-racing, camel-riding, shooting were encouraged. The Prophet gave utmost attention to acquire arms and horses for his troops as much as possible and allocated a considerable portion of public funds for this purpose. When he met the Quraish at Badr his military strength in men and material was 313 men with 3horses and meagre weapons. Just after one year when he met them again at Uhud he had 700 men out of whom 100 were in armour and had a strong company of archers. Three year after he defended Madinah with the help of 3000 men with strong archery and a considerable quantity of arms and weapons. In 8, A.H.. i.e. after another three years, the Prophet conquered Makkah with a formidable force of 10,000 fully armed and many of them on horses. And this was all due to Prophet's interest in making Islamic forces formidable.

## II- Nobility of Cause

We have already studied the aims and objectives of Islamic Jihad in detail. Jihad is waged not to acquire any material gains but to please Allah and establish supremacy of the Divine Law on earth. The Qur'an and Prophet Muhammad (PBUH) enjoined upon the Muslims that they were not fighting for acquiring lands, subjugating other people and gaining booty. Rather they were fighting for noble cause in the path of God and God alone would give them reward. The Qur'an says:

1. The (true) believers are those only who believe in Allah and His messenger and after-ward doubt not, but strive with their wealth and their lives for the cause of Allah. Such are the sincere. -----49 : 15

2. O ye who believe! Shall I show you a commerce that will save you from a painful doom? Ye should believe in Allah and His messenger, and should strive for the cause of Allah with your wealth and your lives. That is better for you, if ye did but know. -----61 : 10-11

There are many Ahadith of the Prophet of Islam exhorting the believers to fight for the cause of Allah and shun all desires for any worldly gain. For facility of reference only the following shall be cited:

1) Abu Musa reported that a man came to the messenger of Allah and enquired: A man fights for booty, a man fights for fame, and man fights that his position may be known-who then fights in the way of Allah? He said: whose fights to raise highest thereby the word of Allah, is in the way of Allah. -----(Bukhari, Muslim)

2) Obadah bin Swamet reported that the messenger of Allah said: whose fights in the way of Allah and does not wish but for a fetter, there is for him what he has intended. -----(Nisai)

Belief of the soldiers of Islam in the nobility of the cause they are fighting for keeps them steadfast in the war and plays a great role in the sacrifices which they voluntarily make for winning the victory for Islam.

## III- Morale

For keeping high the morale of the Muslim soldiers in war, Islamic teachings on Jihad are very inspiring. According

to Islam, Jihad is not an aggressive war waged for worldly gains, rather it is a defensive war for the cause of Allah and in the path of Allah in the defence of Islam and in the defence of Muslim Ummah. The nobility of cause for which Jihad is fought keeps the morale of the Islamic warrior (Mujahid) high. The Muslim warrior knows that he is fighting for Allah and Allah world give him reward for his services in this world as well as in the Hereafter. Islam has given very high status to a warrior in the path of Allah. If he survives in the war he is blessed with victory and all the attendant gifts which a victory ensures. If he dies in fighting he is Martyr and is blessed with Paradise in the Hereafter. A Mujahid is therefore ready to fight to the end and remains prepared to sacrifice his life as well as his wealth for the noble cause of Jihad.

The following teachings of the Qur'an particularly motivate and inspire a Muslim soldier and keep his courage high:

1) Nay, but if ye persevere, and keep from evil, and the enemy attack you suddenly, your Lord will help you with five thousand angels sweeping on. –(3 : 125)

2) Muslim soldier knows that if he steadfastly fights he is equal to atleast two of enemy men. The Qur'an says:

   O Prophet! Exhort the believers to fight. If there be of you twenty steadfast they shall overcome two hundred, and if there be of you a hundred steadfast they shall overcome a thousand of those who disbelieve, because they (the disbelievers) are a folk without intelligence. Now hath Allah lightened your burden, for he knoweth that there is weakness in you. So if there be of you a steadfast hundred they shall overcome two hundred, and if there be of you a thousand steadfast they shall overcome two thousand

by permission of Allah, Allah is with the steadfast. ----8: 65-66

3) A Muslim soldier knows that if he turns his back in the war, Allah will be angry with him :

O ye who believe! When ye meet those who disbelieve in battle, turn not your backs to them. Whoso on that day turneth his back to them, unless maneuvering for battle or intent to join a company, he truly hath incurred wrath from Allah, and his habitation will be Hell, a hapless journey's end.

–(8:15-16)

4) Let those fight in the way of Allah who sell the life of this world for the other. Whoso fighteth in the way of Allah, be he slain or be he victorious, on him We shall bestow a vast reward. ——(4:An-Nisa : 74)

5) Lo! Allah hath bought from the believers their lives and their wealth because the Garden will be theirs: they shall fight in the way of Allah and shall slay and be slain. It is a promise which is binding on Him in the Torah and the Gospel and the Qur'an. Who fulfilleth the convenant better than Allah? Rejoice then in your bargain that ye have made, for that is the supreme triumph. ——(9:At-Taubah : 111)

6) It is not for the townsfolk of Al-Madinah and for those around them of the wandering Arabs to stay behind the messenger of Allah and prefer their lives to his life. That is because neither thirst not toil nor hunger afflicteth them in the way of Allah, nor step they any step that angereth the disbelievers, nor gain they from the enemy a gain, but a good deed is recorded for them therefor. Lo! Allah loseth not the wages of the

good. Nor spend they any spending, small or great, nor do they cross a valley, but it is recorded for them, that Allah may repay them the best of what they used to do. ——(9:At-Taubah : 120-121)

7) Lo! Allah loveth those who battle for His cause in ranks, as if they were a solid structure.
——(61:As-Saff : 4)

8) Anas reported that the Messenger of Allah said: To go out at morn in the way of Allah or to go out at dusk is better than the world and what is therein.
——(Bukhari and Muslim)

9) Salman, the Persian, reported : I heard the Messenger of Allah say: Guarding for a day and a night in the way of Allah is better than fasting for a month and praying it. If he dies, his action which he used to do would continue for him and he will be rewarded with sustenance and he will be safe from mischief.
——(Muslim)

10) Abu Hurairah reported: Whoso meets Allah without any wound of Jihad, meets Allah with defect in him.
——(Tirmizi, Ibn Majah)

11) Abu Musa reported that the Messenger of Allah said: Verily the doors of Paradise are under the shades of swords. ——(Muslim)

12) Fuzalah-b-Obaid reported from the Messenger of Allah who said: A seal is put over the actions of every dead man except one who dies guarding in the way of Allah, and verily his actions will increase for him up to the Resurrection Day, and he is safe from the punishments of the grave. ——(Tirmizi, Abu Daud)

13) Abu Malek al-Ash'ari reported: I heard the Messenger of Allah say: Whoso goes out in the way of Allah and then dies or is killed, or his horse or his camel tramples him to death, or a serpent bites him, or he dies upon his bed of whatever calamity Allah wishes, he is a martyr and there is certainly Paradise for him. —— (Abu Daud)

14) Abu Hurairah reported that the Messenger of Allah said: The likeness of a fighter in the way of Allah is like the likeness of one who fasts, stands up (in prayer) and obeys the verses of Allah without any break of fast and prayer till the fighter returns to the way of Allah. ——(Bukhari and Muslim)

## IV- Unity of Command and Battle Formation

The Prophet used to give highest priority to the organisation of the Islamic army in the battle field. Central command of the army, in the battles in which he was present, was always with him while he delegated sectional commands to various leaders. The Encyclopedia of Seerah gives comprehensive report on the battle formation in various battles fought by Islamic forces under the leadership of the Prophet. It writes:

In the Battle of Badr, he assigned seven flags, the flag of the Muhajirun was given to Musaib Ibn Umair, that of Al-Khazraj to Hubab Ibn-al-Mundhir and that of Aws to Sa'd Ibn Maadh. In the Battle of Uhud, he had three flags, the flag of Al-Aws went to Usaid Ibn Hudair, that of Khazraj to Al-Hubab Ibn al-Mundhir and that of the Muhajirun to Ali. And he appointed Muhammad Ibn Maslamah as head of fifty archers. And in the Battle of Ahzab many sector commanders were created under the central command of

the Prophet. On the victory day, each tribe carried its flag under the command of its own leader and the whole army was divided into four main divisions which were ordered to enter Makkah from different sides. Khalid bin Walid was in command of the right wing with Aslam. Sulaim, Ghifar, Muzaina, Juhaina and other Arab tribes. Al-Zubair commanded the left wing, Sa'd bin Ubadah commanded the Ansar and Ubaidah Ibn Jarrah commanded the Muhajirun. And the central overall command was with the Prophet".

"Likewise in Hunain, Ta'if, Tabuk and other compaigns of the Prophet, sectional leaders were appointed to work under the direction of the central command, thus giving them training in commanding their forces as well as the opportunity to develop a spirit of co-operation under the joint command. At the time of general battle, the Prophet directed all operations in all stages of the battle while his section commanders obeyed and executed his orders without delay".

The Prophet never behaved like an autocrat in the battle field. Rather he used to consult his companions and always welcomed their proposals. He would make adjustments in war strategy whenever he would receive a good suggestion. He would adopt new battle plans and new war weapons without any hesitation. In the Battle of Badr, he changed his battle place on the advice of one of his companions who suggested a better place from the military point of view. In the Uhud battle he again accepted the advice of his young companions to fight outside Medinah. In the Ahzab battle he acted on the advice of Sulman Farsi in defending the town from behind the trench. He was always prepared to accept any suggestion of his companions which was considered to be better and more effective from a military point of view[1]. He used catapults (Minjaniq) in the siege of Taif.

# V- Economy of Force

It was cardinal principle of Prophet's war policy to use his force with great economy. He made very economical use of his scarce human and material resources but achieved great results compared to costs. In all, the Prophet organised 78 military expeditions during period of a almost 10 years he lived at Makkah–76 against the Quraish, the Jews and Arab tribes and 2 against the Romans. Out of these he himself commanded 28 including 11 major expeditions while the rest 50 were sent under the command of various companions. In 48 out of these 78 campaigns, less than 200 men were sent. Average force used in many expeditions never exceeded 100 men and that was against very big enemies who normally outnumbered the Muslims many times.

In the Battle of Badr, 313 Muslims faced 1000 men of Quraish who were even far superior in terms of weapons, and defeated the Quraish. In the Battle of Uhud, 700 Muslims faced 3000 Quraish's soldiers and the result remained draw. In Battle of Ahzab, Prophet's 3,000 men defended Madinah against allied forces of 10,000 strong and forced the allies to withdraw their siege of the city. In the Battle of Khaibar, Prophet conquered the Jews with a force of only 1400 men while the Jews living in the strong forts of Khaibar were no less than 10,000. In the Battle of Mutah, the Prophet sent 3000 Muslims who successfully faced professionally trained and well-equipped army of 100,000 of the ruler of Ghussan. In the last year of his campaigns, Muhammad (PBUH) marched against Rome with a force of 30,000 while the Romans had organised a force of over 100,000 strong on the borders of the infant Islamic state.

See the results. With skilful employment of small forces against numerically and equipment-wise far superior enemies, Muhammad (PBUH) not only defeated his enemies

but also conquered almost the whole of Arabian peninsula to the fold of Islam.

The revealed book of Islam, the Holy Qur'an, apparently to boost the morale of the Muslims hints at economical use of force when it says : O Prophet! Exhort the believers to fight. If there be of you twenty steadfast they shall overcome two hundred, and if there be of you a hundred steadfast they shall overcome a thousand of those who disbelieve, because they (the disbelievers) are a folk without intelligence. Now hath Allah lightened your burden, for He knoweth that there is weakness in you. So if there be of you a steadfast hundred they shall overcome two hundred, and if there be of you a thousand steadfast they shall overcome two thousand by permission of Allah. Allah is with the steadfast. –(8 : 65-66)

## VI- Minimal Loss of Life

It is said that the greatest general is he who achieves his war aims with minimum loss in terms of human lives. Prophet Muhammad (PBUH) always made it sure that unnecessary bloodshed should be avoided and loss of lives should be minimum not only on his side but also on the side of the enemy. With only a loss of 1014 lives – 255 Muslims and 759 non-Muslims–in a period of less than a decade he achieved the results which any other mortal in history can hardly boast of. He subdued all of his enemies, crushed their power and brought the whole of Arabian peninsula (comprising an area not less than 2 million Sq. Kilometer) under the banner of Islam. Most of the smaller military expeditions which he sent from time to time were bloodless. In very few of such expeditions small resistance was offered by the enemy. In the five major battles the Prophet fought during his life time i.e. Badr, Uhud, Ahzab, Hunain and Taif, the total loss of lives was 298; Muslims 117 and non-

Muslims 181. In the battle of Khaiber against the Jews only 111 were killed (93 Jews and 18 Muslims).

The wonderful results achieved by the Prophet are due to his superb planning, initiative, secrecy, speed, mobility, element of surprise and other war tactics.

## VII- Element of Surprise

Element of surprise is one of the most successful war tactics. Muhammad (PBUH) surprised his enemy by resorting to the use of this element in many of his major battles so that the enemy could not have chance to organise his force for fighting. The Prophet so successfully employed the element of surprise coupled with speed and mobility in his military campaigns that his enemies were often taken aback when they suddenly found his forces at their gates. The conquests of Khaiber and that of Makkah are the best examples of the successful deployment of this war tactic by Muhammad (PBUH). The farmers of Khaiber who were coming out of their houses to go to their fields were completely caught by surprise to see him and ran into their forts shouting : "Muhammad is come". In the year of 8A.H., Muhammad (PBUH), after making preparations secretly, marched on Makkah. Even many of his companions did not know the destination of the troops except his very close friends as that had been kept in top secret till the Muslims landed in the valley. The people of Makkah were taken by surprise and could hardly organise their defence. The city was thus taken without any resistance or bloodshed.

## VIII- Intelligence

Islamic state, during the time of the Prophet, was maintaining a good system of intelligence and espionage for collecting advance information about the enemy, his plans

and his movements. Prophet organised patrols off and on for obtaining comprehensive information about the activities of the enemy and the terrain of the area of operation before launching any major war expedition.

Before the Battle of Badr, Muhammad (PBUH) sent Ali, Zubair and Sa'ad bin Abi Waqqas to Badr to collect information about the Quraish and their army. They caught hold of two boys who were interrogated. When questioned by the Prophet as to how many camels the Quraish army was killing every day for food, they told "Nine on one day and ten on the other day". From this Muhammad (PBUH) could guess that their number was between nine hundred and one thousand. When enquired about the chiefs of Makkah who were among the troops, the boys named almost every leading person. The Prophet remarked to his companions : "Thus Makkah has thrown to you the pieces of its liver", meaning thereby that the enemy had come in full force. Before the Battle of Uhud, the Prophet received information through Abbas, his uncle, who was living at Makkah, about the military preparations, equipment and strength of the Quraish who were intending to attack Madinah. He sent Hubab Ibn al-Mundhir to verify and confirm the information so that necessary defence could be raised to counter the enemy attack. Likewise, before the Battle of Ahzab he received information about the big force the enemy was coming with to attack Madinah and, therefore, he decided to dig trench to defend the city. It was again through his network of system that the Prophet was able to create disunity among the ranks of the allies and broke their alliance.

## IX- Security

As intelligence system is necessary to collect information about the enemy movements and plans, so is the good security system important to check any possible

leakage of secrets about one's own planning and schemes. The Prophet had set up a very reliable security system so that the secrets of the Muslim plans and military moves could be strictly preserved. He always took very precautionary steps to maintain secrecy regarding the war objective so that the enemy could be caught unprepared by surprise. The invasion of Makkah in 8 A.H and conquest of the enemy stronghold without any resistance is a living example of the Prophet's successful security system. Sometimes the Prophet sent his military expeditions so closely guarded that even the leader of the expedition was unaware of his objectives till he read the instructions at the appointed time or place. Expedition lead by Abdullah Ibn Jahsh Al-Asadi is a good instance in view. The commander was given a letter containing instructions regarding his mission and was ordered not to open it till he had journeyed for two days. Intentions regarding the expedition of Tabuk were similarly kept secret. The Hadith reported in this connection is as under:-

Ka'ab-b-Malik reported that the Messenger of Allah intended no battle but concealed it with other things till that battle occurred, that is the battle of Tabuk. The Holy Prophet fought it in intense heat and made a very long march through deserts and enormous enemies. Then he disclosed to the Muslims and commanded them to make martial preparations of their arms and then informed them the purpose he had in view. –(Bukhari)

Before invasion of Makkah it was revealed to the Prophet that one of his companions (Hatib bin Abi Balta'a) had sent information to the Quraish about preparations and plans of the Muslims to invade Makkah. The information had been sent through a woman. The Prophet sent Ali and Zubair to search the woman who was on her way to Makkah with a secret letter. She was intercepted well in time and the letter was recovered from her which could have alerted

the Quraish had she been successful in reaching Makkah. The incident has been referred to by the Holy Qur'an in its verses 1 and 2 of chapter 60 with strict warning to the Muslims not to befriend the enemies of Islam.

In another verse the Qur'an exhorts the believers thus : "O ye who believe! Betray not Allah and His messenger, nor knowingly betray your trusts" (8:27). Hadith of the Prophet about the maintenance of trust is : "There is no faith in him who has got no trust, and no religion for him who has got no promise". -(Baihaqi)

## X- Psychological and Economic Warfare

Use of propaganda and economic weapon which is resorted to so frequently in the modern world was not unknown to the Prophet. The Prophet made use of propaganda and initiated strategical moves to demoralise the enemy and break his resistance. He is reported to have said: "Who knows the language of a people is safe from them". He, therefore, asked his companion Zaid bin Harith to learn the language of the Jews. During the Battle of Ahzab, he entered into negotiations with Banni Ghatfan who were allies of the enemy. With this move he not only created disunity among the enemy alliance but also weakened their determination to continue the siege of Madina as one of their allies–Banu Ghatfan–lacked will to do so. In the Battle of Uhud, despite victory the Quraish could not pursue the Muslims as their chief Abu Sufiyan was led to believe by some secret agents of the Prophet that the Prophet had gathered his forces to retaliate. A very successful weapon of psychological war is the fear which one can create in the hearts of one's enemies. The Prophet is reported to have remarked: "God has given me help and victory over my enemy by casting fear into his heart over a month's journey". The Jewish tribe of Madinah Banu Quraizah, inspite of their great strength and power, could not fight

against Muhammad (PBUH) because of his fear in their hearts.

Economic weapon was also used by the Prophet against the Quraish. The proximity of Madinah to the trade route of the Quraish for Syria was utilized by the Prophet to subdue the Quraish as they knew that Muhammad would cut their trade route in case of hostilities. A chief of Muslim tribe once threatened Quraish to cut their trade route to Syria and the Quraish had to request the Prophet for intervention. During the famine of Makkah, the Prophet sent a considerable amount of 500 gold coins as economic aid to the Quraish and the chiefs of Quraish could see that the move was well-planned to win over the hearts of the younger generation of their tribe.

## XI- Miscellaneous War Tactics

1) Initiative is first such tactic which helps in winning a war with comparatively low cost because striking first generally means catching the enemy unprepared. On Prophet's practice of keeping initiative usually in his hands, the Encyclopedia of Seerah writes :

"He was able to employ fully and most successfully all the elements of war strategy against his enemy and rarely gave them the opportunity to take any counter-action against him. He always took the offensive in great secrecy and never let his enemy know his intentions until he was actually on the battlefield. He went on 11 major and 17 minor expeditions and in eight of the major and all of the minor expeditions he took the offensive and the initiative was always on his side, except at Ta'if, where the nature of the enemy position made it rather difficult. Even at Badr, Uhud and Ahzab, though the enemy had marched towards the Muslims, the main initiative was still on the side of

Muhammad, whose better and superior tactical moves often baffled and confused his enemies".

"He also very successfully employed the elements of surprise, speed and mobility in his campaigns. His enemy was often taken by surprise when they suddenly saw his forces at their gates. In order to keep his movements secret from his enemy, he followed complicated and sometimes even opposing routes to confuse them about his intentions. In six of his major campaigns, his enemy was completely surprised to see his forces. Farmers of Khaibar who were coming out of their gates to look at their fields were taken aback to see him and ran into their castles, shouting, "Muhammad is come." And in nine of his minor expeditions he took the enemy by surprise while they were quite unprepared for fighting. His success in catching the enemy unprepared was so amazing that he had light fighting in only four of the 17 minor expeditions and real battle in only six of the major campaigns."

2) Pursuit: Pursuit of enemy after his defeat helps the winner to consolidate his victory and crush the force of the enemy to retaliate. The Holy Qur'an lays due emphasis on the role of the element of pursuit and motivates the followers of Islam thus:

Relent not in pursuit of the enemy. If ye are suffering, lo! they suffer even as ye suffer and ye hope from Allah that for which they cannot hope. Allah is ever Knower, wise, —(4 : An-Nisa: 104)

In the first battle between Islam and polytheism i-e, the Battle of Badr, the Muslims ignored this element and instead of pursuing the enemy to crush his power they engaged in taking them prisoners and gathering spoils. This thing was disapproved by Almighty God in these words of the Qur'an: "It is not for any Prophet

to have captives until he hath made slaughter in the land. Ye desire the lure of this world and Allah desireth (for you) the Hereafter, and Allah is Mighty, wise" – (8:67). After this the Prophet made it a point to pursue the enemy in every advisable situation. Even after the Battle of Uhud in which the Muslims had suffered severe setback, the Prophet gathered his forces and displayed his intention to pursue the enemy. The move proved so useful that Abu Sufiyan who wanted to re-attack dropped his idea.

3) The test for a successful general is how he behaves in adverse and difficult situation. The Prophet never lost his nerve and he never panicked or showed any signs of helplessness even under the extreme pressure of war. In the battle of Uhud, when the archers left their positions against his specific orders and the enemy attacked from all sides, his army began retreating in confusion and disorder. But he remained as cool and confident as ever, called his men and infused new spirit into them, and they rallied around him and fought courageously until the enemy withdraw. The same thing was experienced at Hunain: it was his confidence and steadfastness that re-organised the retreating army and launched a counter-attack against the enemy which won the day.

4) The Prophet fully utilized geographical strategy in the formulation of his military plans and made a dynamic use of geographical strategy in his military operations, keeping in mind the strength, mobility, strategy and morale of the enemy. He was fully aware of the importance of environmental factors, especially in a mountainous terrain like that of Medinah and the neighboring region. He therefore very carefully made an assessment of these physical and geographical

factors in relation to the effectiveness and efficiency of military operations and security.

Following Ahadith throw light on the routine and timings of the Prophet in waging Jihad:

1) Anas reported: Whenever the Holy Prophet fought with us against a tribe, he used not to fight with us till it was dawn and he used to wait for them. If he heard prayer-call, he withheld from them; and if the did not hear any prayer call, he attacked them. We marched towards Khaiber and came to them at night. When it was dawn and when he did not hear prayer call, he rode and I also rode behind Abu Talha and my feet touched the feet of the Prophet. They (people of Khaiber) came out to us with their date baskets and implements of cultivation. When they saw the Prophet, they cried out: Muhammad! By Allah, Muhammad! And five (detachments) with him. They took shelter in the fort. When the Prophet saw them (fleeing), he said: Allah is greatest, Allah is greatest, Khaiber is gone! Verily when we descended upon the plain of a people, evil became the morning of those who had been warned. —(Bukhari, Muslim)

2) Qatadah from Numan-b-Muqarren reported: I fought along with the Prophet. When it was dawn, he stopped till the sun rose up, and when it rose up he fought. When it was mid-way, he stopped till the sun declined; and when the sun declined, he fought till after-noon. Then he stopped till he prayer the Asr prayed. After then he fought. Qatadah said; It was said at that time the air of victory was then blowing, and the believers called their armies to their prayers. —(Tirmizi)

# CHAPTER 5

# LAWS OF WARS

Islam being religion of peace and of humanity does not lose its cool even in war. Its law of war is very humane, chivalrous and tolerant. Before highlighting the Islamic law, however, let us bring into focus some of the relevant verses of the Holy Qur'an, Ahadith of Prophet Muhammad (PBUH) and instructions given by the Prophet and his right-guided caliphs to their commanders on various occasions.

## I - The Qur'an and the Sunnah

**Verses of al-Qur'an:**

1. 1. Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors. –(2:190)

2. 2. O ye who believe! When ye go forth (to fight) in the way of Allah, be careful to discriminate, and say not unto one who offerth you peace : "Thou art not a believer", seeking the chance profits of this life (so that ye may despoil him)…… –(4:94)

3. 3. And if thou fearest treachery from any folk, then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous. –(8:58)

4. And a proclamation from Allah and His messenger to all men on the day of the Greater pilgrimage that Allah is free from obligation to the idolaters and (so is) His messenger. So if ye repent it will be better for you; but if ye are averse, then know that ye cannot escape Allah…… –(9:3)

5. And if anyone of the idolaters seeketh thy protection (O Muhammad), then protect him so that he may hear the word of Allah, and afterward convey him to his place of safety. That is because they are a folk who know not. –(9:6)

6. O ye who believe ! If an evil-liver bring you tidings, verify it, lest ye smite some folk in ignorance and afterward repent of what ye did. –(49:6)

**Ahadith of Prophet Muhammad (PBUH):**

1. Abdullah-b-Umar reported that the Messenger of Allah forbade to kill women and children.
——(Bukhari and Muslim)

2. Anas reported that the Messenger of Allah said: March in the name of Allah, and with the succour of Allah and over the religion of the Messenger of Allah, kill not the emaciated old, nor the young children, nor the women and deceive not; collect your booty, do good and show kindness, because Allah loves those who do good to others. ——(Abu Daud)

3. Solaiman-b-Baraidah reported from his father that whenever the Messenger of Allah appointed a commander over an army or infantry, he used to give him directions regarding his powers: To fear Allah, and to treat the Muslims well under him. Then he used to say: Fight in the name of Allah in the way of Allah. Fight with those who disbelieve in Allah. Fight, Plunder not, nor be treacherous, nor cut off ears and noses nor kill children. ——(Muslim)

4. **Omme Hani daughter of Abu Talib reported:** I went to the Prophet in the Year of Victory and found

him taking bath, while his daughter Fatimah was screening him with a cloth. I saluted him. He asked : Who is she? I said: I am Omme Hani, daughter of Abu Talib. He said: Welcome to Omme Hani! When he finished his bath, he got up and prayed eight rak'ats being covered with a single cloth. When he finished, I asked : O Messenger of Allah! The son of my mother (Ali) thinks that he would kill a man, son of Hubairah whom I gave protection. The Holy prophet said: We also give protection whom you have given. O Omme Hani. Omme Hani narrated that it was in the forenoon. Agreed upon it. In a narration of Tirmizi, she said: I gave protection to two of my husband's male relatives. The Holy Prophet said: We have given protection to those whom you have given. ——(Tirmizi)

5. Jabir reported that the Messenger of Allah said: War is a deception. ——(Bukhari, Muslim)

6. Salmah bin Ahwa'a reported : We fought alongwith Abu Bakr in the time of the Prophet and attacked them at night by killing them and our signal for that night was 'Ante'. ——(Abu Daud)

7. Qais bin Obad reported that the companion of the Prophet of Allah used to dislike uproar at the time of fighting. ——(Abu Daud)

8. Saoban bin Yazib reported that the Messenger of Allah set up ballista (menjaniq) against the people of Tayef. ——(Tirmizi (poor))

9. Abu Hurairah reported that the Prophet said: A woman certainly acts for the people, that is she gives protection on behalf of the Muslims. ——(Tirmizi)

10. Amr bin Hameq reported : I heard the messenger of Allah say: He who extends security of life to a man and then kills him will be given the banner of treachery on the Resurrection Day. ——(Sharhi Sunnat)

11. Nu'aim bin Masu'd reported that the Messenger of Allah said to two persons who came from Musailamah : Behold, by Allah, but for the fact that the ambassadors are not to be killed, I would have smitten your necks. ——(Ahmad, Abu Daud)

**Instructions to Commanders:**

1. "Whenever the Prophet appointed a commander over an army or detachment, he enjoined upon him to fear God regarding himself and regarding the treatment of the Muslims who accompanied him. Then he used to say :

   "Fight with the name of God and in the path of God. Combat those who disbelieve in God. Fight yet do not cheat, do not break trust, do not mutilate, do not kill minors.

   If thou encounterest an enemy from among the Associators (infidels), then offer them three alternatives. Whichever of these they may accept, agree to it and withhold thyself from them:

   "So call them to embrace Islam. If they accept, then agree to it and withhold thyself from them. Then ask them to quit their territory in order to immigrate into the territory of the migrants (i.e. Muslim State). And inform them that if they do that they will have same rights as the migrants and same obligations as they. If they refuse to migrate, then inform them that they will be considered as bedouin (nomidic) Muslims, the

same Divine laws being obligatory on them as on other Believers, except that they will not benefit by booty and other State income unless they join forces and fight along with the Muslims.

If, however, they refuse, then call them to pay the Jizyah (protection tax). If they accept, then agree to it and withhold thyself from them.

If they refuse, then seek help from God and combat them.

If you besiege the people of a fortress and they agree to submit on the condition that you assure them by the pledge of God and the pledge of His Prophet, then do not do that; but assure them by your own pledge and the pledge of your companions. For it is much less serious if you violate the pledge of yours and of your companions than the pledge of God and that of His Messenger.

If you besiege the people of a fortress and they agree to surrender on the award of God, then do not let them surrender on the award of God but on your own award. For you cannot be sure whether you have acted regarding them in conformity with the award of God or not.

2. The Prophet gave the following instructions to Abdur Rahman Ibn Auf at one occasion :

"Then the Prophet ordered Bilal to hand over the banner to him. He did so. Then the Prophet eulogised God and asked for His mercy upon himself, and said: O son of 'Awf! Take it. Fight ye all in the path of God and combat those who do not believe in God. Yet never commit breach of trust, nor treachery, nor

mutilate anybody nor kill any minor or woman. This is the pact of God and the conduct of His Messenger for your guidance".

3. Hadrat Abu Bakr, the first right-guided caliph of Islam, used to issue the following instructions to his troops whenever he dispatched them for an expedition : "Be just; break not your plighted faith; multilate none; slay neither children, old men, nor women; injure not the date-palm nor burn it with fire, nor cut down any fruit-bearing tree; slay neither flocks nor herds nor camels, except for food; perchance you may come across men who have retired into monasteries, leave them and their works in peace".

4. Abu Bakr is reported to have given the following instructions to Usama:

"People! Stop. I enjoin upon you ten commandments. Remember them : Do not embezzle, do not cheat, do not break trust, do not mutilate, do not kill a minor child or an old man of advanced age or a woman, do not hew down a date-palm nor burn it, do not cut down a fruit-tree, do not slaughter a goat or cow or camel except for food. May be you will pass near people who have secluded themselves in convents; leave them and their seclusion and it may be that you pass near people who will bring to you dishes of different foods. If you eat one after the other, then utter the name of God over them. And you will meet people the dressing of whose hair looks as if the devil has made a nest on the top around which they have something like turbans. So pierce them with swords. According to another transmission:

"I enjoin upon you the fear of God. Do not disobey, do not cheat, do not show cowardice, do not destroy

churches, do not inundate palm-trees, do not burn cultivation, do not bleed animals, do not cutdown fruit-trees, do not kill old men or boys or children or women……."

5. To commander Yazid bin Abu Sufyan, Abu Bakr issued following instructions:

Do not kill any old man or woman or minor or sick person or monk. Do not devastate any population. Do not cut a tree except for some useful purpose. Do not burn a palm-tree nor inundate it. Do not commit treachery, do not mutilate, do not show cowardice, and do not cheat. God shall surely give victory to those who help His cause and also to His Messenger, for God is strong and powerful. I commit you to the care of God, and bid you farewell.

6. Whenever, Umar dispatched armies, he enjoined upon their commanders to fear God, and then used to say, at the time of handing over the colours:

With the name of God and with the help of God! March with the assistance of God and victory. Persevere in right conduct and endurance. Combat, in the path of God, those who disbelieve in God; yet do not transgress, because God does not love those who transgress.

"Do not show cowardice in an encounter. Do not mutilate when you have power to do so. Do not commit excess when you triumph. Do not kill an old man or a woman or a minor, but try to avoid them at the time of the encounter of the two armies, and at the time of the heat of victory, and at the time of expected attacks. Do not cheat over booty. Purify jihad from worldly gain. Rejoice in the bargain of the contract that ye have made (with God), and that is the great success."

# II- Laws Made by the Jurists

Having reproduced the verses of al-Qur'an, the Ahadith of Prophet Muhammad (PBUH) and the instructions issued by the Prophet and his successors, we will now discuss the laws of Jihad which have been laid down by the jurists in the lights of these sources.

## i- Declaration of War

When the Muslims encounter unbelievers to whom Islam is an unknown thing, they must not attack such people before inviting them to accept Islam or to agree to pay Jizyah (protection-tax). If the unbelievers fail to accept any of the two options, they can be attacked. However, option of Jizyah will not be available to the apostates and idolaters of the Arabian peninsula about whom the Qur'an says: "Fight them unless they embrace Islam." They are to choose between Islam and sword, and if they do not accept Islam, they will be attacked. If the non-believers understand fully what Islam means, warning and excuse may again be made, though this is not compulsory. For they know why they are attacked, and an ultimatum may hinder the achieving of the aim.

In case of the following types of war, however, no previous notice or declaration is necessary:

1. Defensive war when the enemy starts aggression and attacks Islamic state. In case of Battle of Uhad and Battle of the Trench no previous notice was issued by the Prophet as it was his people who were attacked.

2. Fresh encounters with an enemy with whom no peace was made and there was only temporary cease-fire.

3. Preventive war against the threatened aggression of a people with whom no treaty relations exist. Examples are the wars of Khaiber and Hunain waged by the Prophet. However, if treaty exists with such a people, then the treaty must be thrown and ultimatum must be given. The Qur'an says: And if thou fearest treachery from any folk then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous. ——(8:58)

4. Punitive war to punish a state for breach of treaty. Prophet's attacks on Banu Quraiza and Makkah were without ultimatum as the Jews and Makkans had broken treaties.

In case of wars others than the ones mentioned above, declaration of war or previous notice or ultimatum is essential. Views of the jurists, however, differ what would be the punishment if the Muslims attack a people to whom ultimatum was essential but no suck ultimatum was given and their blood was shed. Some jurists hold that the Islamic state has to pay for each life destroyed in the fight as much blood-money as is due for a Muslim killed unintentionally.

## ii- Asylum or Shelter

Even during the outbreak of war if an adversary who is actively engaged in hostilities against Muslims, seeks for protection he should not be denied that. Rather, he should be granted full protection and may be, later on, escorted to a place of safety. The Qur'an says: "And if anyone of the idolaters seeketh thy protection

(O Muhammad) then protect him so that he may hear the word of Allah, and afterward convey him to his place of safety. That is because they are a folk who know not." (9:6) This protection, in the terminology of law is called asylum, shelter, quarter or security. By whatever name it may be

called, it has to be granted to enemy persons when they solicit it individually or en masse. Sometimes protection or security might be granted to the enemy persons without their soliciting it through a proclamation as was given by the Prophet at the conquest of Makkah.

Even the lowest of the Muslims can grant shelter and his action shall be binding on the Islamic state as well as on all the Muslims. Any of the believers, even the women, slaves and sick persons who are incapable to fight, can grant shelter. The Prophet honoured the protection given by the women more than once and his companions honoured the protection given by slaves. But the minors, the insane and those under enemy control such as prisoners cannot grant protection. The non-Muslim subjects of the Muslim state also cannot grant protection unless they are specifically authorized to do so. In exceptional circumstances, however, the Islamic state can put restrictions on the individual Muslims to grant protection in respect of certain enemies. If a person whom protection has been given is killed or harmed, right to damages accrues.

## iii- Acts Forbidden

In war, the following acts are forbidden to a Muslim army in respect of property and persons of the enemy:

1. Killing of non-combatants such as women, minors, sick, servants and slaves, monks, hermits, insane, very old person, etc.

2. The prisoners of war cannot be put to death except in very exceptional circumstances.

3. The cruel and torturous ways of killing are not allowed even if some enemy has to be killed.

4. Mutilation of men and animals.

5. Destruction of crops, cutting of trees unnecessarily, slaughtering of animals more than what is necessary for food and burning of houses.

6. Killing of enemy hostages is disallowed even in retaliation.

7. Severing the head of some fallen enemy and presenting it to higher authority is highly disliked.

8. General massacre is prohibited when the enemy is vanquished and his land is occupied.

9. Killing peasants, traders, merchants, artisans, contractors and the like when they do not take part in actual fighting.

10. Burning a captured man or animal to death is strictly forbidden.

11. Taking shelter behind enemy prisoners or forcing the prisoners to fight against their nation is a cowardly act to which the Muslims never resort.

12. Adultery and fornication with captive women before their formal distribution among the soldiers by the commander of the Islamic forces is punishable offence. The defaulter is to receive discretionary punishment and is to pay fine equal to Mahr Missal (what his nearest female relative would have received as bride-money) which would be added to the spoils.

13. Treachery, perfidy, wickedness, even excess in killing is forbidden.

14. According to some jurists, poisonous arrows are unlawful.

## iv- Acts Permitted

Acts which have been permitted by Islamic law in actual conduct of war are as follows:

1. In actual encounter, enemy combatants may be killed, wounded, pursued and made prisoners; non-combatants such as women and children are to be spared. Killing of combatants falling victim in the darkness or even in the daylight when they are brought to the forefront by the enemy deliberately as a shelter, is excused.

   "And the principle therein is that all those who are potentially capable of fighting may be killed, no matter whether they actually fight or not. And all those who are potentially incapable of fighting must not be killed except when they fight actually or potentially, such as by means of opinion, influence, inciting and the like."

2. If the enemy is absent, ambush may be laid for him. If he is present, yet out of reach, he may be besieged, be that in a camp, in a fortress or even a subterranean stronghold.

3. War is deception or ruse. Tactics to deceive the enemy are allowed in war. Such moves and actions that mislead the enemy or keep the enemy guessing were sometimes taken by the Prophet himself for achieving the objective easily.

4. Use of Psychological warfare and propaganda as weapon of war is also allowed. There are cases in the time of the Prophet when secret agents were sent who

sowed discord or misunderstanding between the different sections of the enemy and his allies, and who disseminated misleading information to demoralise the enemy. The Qur'an in its verse 60 of chapter 9, which deals with the expenditure of Zakat and Sadaqat funds of the Islamic state, allocates a portion of income for propaganda i-e. winning over the hearts. Once a famine hit Makkah and the Prophet sent a handsome contribution of five hundred gold coins towards the relief work. The Makkan chiefs, though they could not refuse the contribution, at once discerned in it a powerful weapon to win the affection of the youngsters of Makkah."

5. Assassination as an instrument for easy success might be used as it is justified on the ground that often it avoids greater bloodshed and discord. Instances of it in the life of the Prophet are assassination of Abul Huqaiq, Ka'b bin Ashraf, Abu Raff and Sufyan bin Anas while attempt at Abu Sufyan failed.

6. Night attacks are also allowed and instances of such attacks in the reign of the Prophet are not lacking. In the Hadith literature, the very watchwords used on these occasions have been recorded which was a practical mean of distinguishing friend from foe in the darkness.

7. All kinds of weapons can be used against the enemy. Of course unnecessary bloodshed should be avoided. Ballista or Catapults (Manjniq) was used by the Prophet in the siege of Tayf. Ditch warfare, which was hitherto unknown in Arabia, was used by the Prophet in 5 A.H. when Madinah was attacked by the Quresh and their allies. The Muslims of Spain used in the seventh century of Hijrah what might be considered a crude form of cannon. During the crusades the

Muslims used a kind of marine mine. Air warfare could have also been introduced had the Muslim scientists pursued experiments of Abbas ibn Firnas (d.888) who had perfected a man-propelled airplane but met his death on the descent after its successful flight. Material is not lacking on naval warfare in the early history of Islam. In the year 8 A.H. the Prophet had used sea communications to transport men, and perhaps also material, to Ailah in connection with the punitive expedition of Mu'tah, where a Muslim ambassador had been assassinated. In the year 9 A.H., he sent a detachment against an island in the Red Sea, where Negro pirates had come to haras inhabitants of the Muslim territory. The Muslim commander was 'Alqamah ibn Mujazziz.

8. Adoption of innovation technique, superior strategy, element of surprise, new methods of defence, better war tactics, etc. are not only allowed but are rather encouraged because they diminish bloodshed and procure easy surrender. Water supply of the enemy can be cut off.

## v- Treatment of Enemy Persons and Property

Property captured from enemy is called spoils or booty. Enemy soldiers captured in war are called war prisoners or war captives. Those prisoners of war who are not released or exchanged are made slaves. If the enemy is totally conquered and its land is occupied or annexed to Islamic country, the enemy nation is made subjects of the Islamic state as Zimmis or protected people and is made to pay Jizyah or protection tax.

We will, by the grace of God, deal with the subjects like spoils of war, prisoners of war, treatment of slaves,

treatment of the conquered people, Jizyah, etc. in detail in the subsequent chapters separately.

# CHAPTER 6

# SPOILS OF WAR

"To the victor belongs the spoils" was a popular slogan not only among the heathen Arabs of the pre-Islamic period but also among many other nations of the world. So the common practice before the advent of Islam was that the entire booty obtained in a war was either divided by the victorious army or was usurped by the tribal chief or the king for his own benefit. Islam brought about a great change in this outlook. It restricted the claim of the conquering soldiers to four-fifth of the booty while one-fifth of it was reserved for the Islamic state to be used for the common benefit of the nation. During the reign of Caliph Umar this division of the spoils between the Islamic state and the conquering army was further restricted to chattels and movable assets. It was decided by consensus that the lands conquered from the enemy should be kept in the ownership of the state for the common benefit of the existing and future generations instead of dividing the same among the soldiers who took part in the fight.

Islam divides spoils or booty into two categories, namely: 'Ghanimah' and 'Fai'. If the spoils are obtained by actual fighting, the same are called Ghanimah. But if they are obtained without fighting i.e. the enemy surrenders or flees away, then they are called Fai. Different rules and regulations govern the treatment of Ghanimah and Fai and hence the same are dealt with separately as under:

## I- Ghanimah

Following are the verses of the Qur'an and the Traditions of Prophet Muhammad (PBUH) which lay down the law regarding treatment of Ghanimah:

1. They ask thee (O Muhammad) of the spoils of war. Say: The spoils of war belong to Allah and the messenger, so keep your duty to Allah, and adjust the matter of your difference, and obey Allah and His messenger, if ye are (true) believers.

——(Al-Anfal 8:1)

2. And know that whatever ye take as spoils of war, lo! a fifth thereof is for Allah, and for the messenger and for the kinsman (who hath need) and orphans and the needy and the wayfarer, if ye believe in Allah and that which We revealed unto Our salve on the Day of Discrimination, the day when the two armies met. And Allah is Able to do all things. ——(Al-Anfal 8:41)

3. Abdullah-b-Amr reported that when the Holy Prophet gained a booty, he used to order Bilal who proclaimed among men. Then they used to come with their booties. He used then to take out the one-fifth share therefrom, and divide them (the rest). One day a man arrived after that with a reign of hair and said: O Messenger of Allah! This is what we acquired from the booty. He asked: Have you heard Bilal proclaim thrice? 'Yes', said he. Then he said: What prevented you to come therewith? He offered an excuse. He said: Be (so); you will thus come therewith on the Resurrection Day but I shall never accept it from you.

——(Abu Daud)

4. Abu Sayeed reported that the Messenger of Allah prohibited the purchase of booties till they were divided. ——(Tirmizi)

5. Auf-b-Malik and Khalid-b-Walid reported that the Messenger of Allah gave decision of the goods of the

killed for one who killed. He did not include the goods for charging fifth share. ——(Abu Daud)

6. Mujamme-b-Jariyah reported: The booty of Khaiber was divided by the Messenger of Allah…… He gave two shares to each horseman and one share to each footman. ——(Abu Daud)

7. Ibn Umar reported: We used to take honey and grapes in our fights and eat them, but we did not take them (for division). ——(Bukhari)

So, in the reign of the Holy Prophet, the procedure followed for the division of the spoils was : After the war had come to an end, somebody used to proclaim on behalf of the Prophet (may Allah's peace be upon him) and all the belongings of the enemy were gathered at one place. Then one – fifth was taken by the Prophet (PBUH) as share of Allah and His Messenger (Islamic state) and remaining four-fifth was divided among the soldiers who participated in the war. Two shares were given to the horseman and one share to the footman. It was a tradition that the soldier killing a particular enemy was given his (enemy's) belonging in addition to his fixed share, as a reward. If the slaves, minors, non-Muslims or women had helped the Muslim army, they were not assigned any regular share. Instead, they were given some gift for their services.

## II- Fai

According to encyclopedia of Islam, "by the word Fai scholars in general understand all things taken from the unbelievers "without fighting" and further very often the lands in conquered territories".

Muhammad Asad, quoting Taj-al-Arus, writes. "The term fai, a noun derived from the verb fa'a 'he returned

something or 'turned it over', is applied in the Quran and the traditions exclusively to war gains-whether consisting of lands or tribute or indemnities-which are obtained as a condition from an enemy who has laid down arms before actual fighting has taken place""

The following verses of the Qur'an and the Ahadith of Muhammad (PBUH) regulate the treatment of Fai booty acquired from the enemy :

1. And that which Allah gave as spoil unto His messenger from them, ye urged not any horse or riding-camel for the sake thereof, but Allah giveth His messenger lordship over whom He will. Allah is Able to do all things. That which Allah giveth as spoil unto His messenger from the people of the township, it is for Allah and His messenger and for the near of kin and the orphans and the needy and the wayfarer, that it become not a commodity between the rich among you. And whatsoever the messenger giveth you, take it. And whatsoever he forbiddeth, abstain (from it). And keep your duty to Allah. Lo! Allah is stern in reprisal. And (it is) for the poor fugitives who have been driven out from their homes and their belongings, who seek bounty from Allah and help Allah and His messenger. They are the loyal.

——(59:Al-Hashr : 6-8)

2. Malik-b-Aus reported from Umar that there were the properties of Banu Nazir out of Fai which Allah gave to His Messenger on the ground that the Muslims did not acquire them on horse-back or any conveyance, so it was special for the Holy Prophet who was to spend it over his family maintenance of a year and then to spend what remained for armours and conveyances as ammunitions in the way of Allah.

——(Bukhari and Muslim)

3. Auf-b-Malik reported : When Fai came to the Prophet, he used to divide it on that very day and give two shares to a man with family and own share to a bachelor. ——(Abu Daud)

4. Ayesha reported that a bag containing shells was brought to the Prophet. He divided them among the free women and slave girls. Ayesha said : My father used to distribute to free men and slaves. ——(Abu Daud)

5. Malik-b-Aus reported that the matter about which Umar procured proof was this: The Holy Prophet had three special properties-Banu Nazir, Khaiber and Fedak. As for Banu Nazir, it was reserved for his adverse turns, and as for Fedak it was dedicated for the travellers; and as for Khaiber, the Holy Prophet divided it into three shares-two shares for the Muslims and one share for the expenses of his family. What remained in excess after expenses of his family, he distributed among the poor refugees. ——(Abu Daud)

So according to the Qur'an Fai means such of the properties of the unbelievers as are 'returned' to the Muslims without war. It is not to be distributed like booty among the soldiers. But the whole of it is for Allah and His apostle. Such property is to be spent on the heads of expenditure mentioned in the Quran, namely:

1. Allah and his Messenger.
2. Near of kin.
3. The orphans.
4. The needy.
5. The wayfarer or travelers.

The messenger of Allah used to spend it like that. After his death, it is indeed the responsibility of the Islamic state to decide the ways and means how it could be expended for the common weal.

From the Ahadith quoted above it is evident that the Prophet (PBUH) himself managed Fai as the head of the Islamic republic. The Fai was state property and the revenue proceeds therefrom were to be applied to the general good like Khums on the spoils of war (Ghanimah).

## III- General Rules Regarding Spoils

The jurists of Islam have laid down the following rules and regulations regarding spoils of war in the light of the Qur'an and the Sunnah:

1. Spoils of war, as stated above, are of two types: Ghanimah and Fai. The Ghanimah is the booty which is obtained from the enemy by actual war against him, whereas the Fai is the booty which is acquired from the enemy who peacefully surrenders and concludes a treaty or flees away due to the fear of Islamic army. Khaibar was conquered by the Prophet and so the spoils found there were treated as Ghanimah. The inhabitants of Fedak got frightened at the fate of Khaibar and surrendered, so the spoils found there were treated as Fai.

2. Both Ghanimah and Fai may include movable property such as cattle, household and personal effects, gold and silver, money, etc. and immovable property like lands, buildings and houses, and also slaves.

3. The whole of Fai belongs to the state, but in case of Ghanimah the share of the state is one-fifth only while

the rest four-fifth is distributed among the soldiers who participate in war.

4. The booty is to be distributed in the Islami territory and not in the enemy area where it is brought and then distributed by the commander or the leader of the army.

5. Four-fifth of the Ghanimah is distributed among the conquering troops in equal shares without any distinction between an officer and ordinary soldier or between a volunteer and a regular paid soldier. However a footman or infantryman gets one share whereas a horseman or cavalry man gets two shares (according to some jurists the latter gets three shares but this is not the current view).

6. Women, minors, slaves and non-Muslim soldiers are rewarded in the form of a gift for their services but are not given equal share with Muslim soldiers. However, when the non-Muslim soldiers form a formidable force in Islamic army or without whose sport the Islamic army would not be strong enough to counter the enemy, in such case non-Muslim soldiers would have equal shares with Muslim soldiers in the war booty.

7. Besides their regular shares in the Ghanimah some warriors are given special prizes or rewards for their extraordinary services and valour. Such prizes are 'Tanfil' and 'Salab'. 'Tanfil' is a prize which is given to a soldier who performs an act which generally demands higher risk of life. 'Salab' stands for the spoil which belongs to the slain and which is given to the victorious person who has killed him in the personal combat or hand-to-hand fight. 'Salab' includes the arms and personal effects of the slain.

8. If anything possessed by a Muslim was captured by the enemy and was again taken back by the Muslim army, it would be given back to the ex-owner upon production of evidence before the distribution of the booty.

9. Lands of the conquered countries would belong to the Islamic state whose head or leader would put such lands to any appropriate use which he decides in consultation with his council or Shura. Whether such lands fall under the category of Ghanimah or Fai would not make any difference. This rule was made by the second caliph of Islam Umar after exhaustive deliberations with his Shura.

10. On the basis of its fundamental principle that "in the sufferings of this world, the Muslims and non-Muslims are equal", the Islamic law allows the same rights to the enemy in respect of captured property as are possessed by Muslims. For example, if the enemy captures a thing from the Muslims, he becomes rightful owner of it so much so that he may sell it to Muslims.

## IV- Treatment of Lands

After the death of the Prophet, when Iraq, Iran and Egypt were conquered by Muslim armies, there arose a controversy among the people concerning the lands of these countries. Some of the leading companions of the Prophet at request of Caliph Umar held meetings to discuss and deliberate upon the issue. Imam Abu Yusuf in his book Kitab-ul-Kharaj gives a lengthy and interesting account of these debates. Abdul Rahman, Zubair and Bilal backed by the army generals were of the view that the conquered lands should be divided among the soldiers just like other

categories of booty from which one-fifth is taken out for the Muslim community and four-fifth is distributed among the participating soldiers. On the other hand Umar backed by Ali-b-Abi Talib and Muadh-b-Jabal was of the opinion that these lands should be retained in state control and should not be distributed among the soldiers. Letter written by Umar to Saad bin Abi Waqqas, the commander of Islamic forces in Iraq and Persia, thows light on the views of the Caliph : "You urge in your letter that whatever property God has given you in booty should be distributed. On receipt of my letter you should distribute all the chattels including animals among the army after deducting one-fifth provided the booty has been obtained after the actual warfare, and allow the lands and the camels to remain in the hands of the original owners so that they may be used in support of the allowances of the Muslims. If you distribute (the latter) among the present generation, there would be left nothing for the posterity".

Caliph Umar addressed the companions, in order to persuade them to accept his view, as follows :

You heard the people who say I am depriving them of their right. I think that after the land of Kisra (Chosroe) no lands will be left for conquest. God has granted us their wealth and lands. I have distributed wealth among Muslims, but I wish that lands be left with their tillers and I should impose Kharaj and Jizyah which they would be paying us to meet the expenses of the army, children of Muslims and generations to come. You have seen the borders, we need the army to protect them; you have seen the big cities and to protect them a regularly paid army is necessary, and if I distribute the lands, how will they be paid?"

So on the basis of these arguments Umar tried to press his point but was not successful due to strong opposition of Bilal and others who were not ready to concede anything

for future generations. At last he did Ijtihad for some days and then convinced the companions of the Holy Prophet relying on the verses 7 to 10 of Surah Al Hashr of the Holy Quran. In these verses, Allah declares that Fai belongs to the poor among the Muhajreen and the Ansar—and to "those who come after them". Umar laid emphasis on the clause "to those who come after them" and carried his point through. In this way, with the consensus of Majlis-e-Shura, it was declared that the conquered lands in these countries would be considered Fai property and would be kept under state control for the benefit of all Muslim Ummah including future generations.

Soon after taking over the conquered lands in the state control, Caliph Umar applied his best administrative abilities to reorganize the administrative system of these areas. He entrusted the work of survey of land in Iraq to Usman-b-Hanif who was an expert in this field. Usman-b-Hanif carried out the survey very efficiently. Imam Abu Yusuf writes that the area of swad of Iraq amounted to 3,60,00,000 Jaribs (one Jarib equal to almost 3000 square yards of these days). Kharaj was imposed on these lands. Total Kharaj collected from these lands of Iraq rose before the death of the great caliph to impressive figure of 12,80,00,000 Dirhams. Similarly lands of Egypt and Syria placed under state control brought Kharaj of 1,20,00,000 and 1,40,00,000 Dinars respectively to Muslim treasury.

With this considerable amount of funds in Bait-ul-Mal, the great caliph introduced a widespread network of social security unparalleled in the hitherto history of the mankind.

# CHAPTER 7

# PRISONERS OF WAR

## I- The Qur'an and the Sunnah

In this chapter we shall study the treatment given by Islam to the prisoners of war which, by any standard, has been the most humane, most kind and impressively ideal. But before we highlight the rules and regulations regarding prisoners of war, it would be most appropriate if we glance through the relevant verses of al-Qur'an, the revealed book of Islam, and Ahadith and practice of Muhammad, the Prophet of Islam.

### The Verses of Holy Qur'an

1. It is not for any Prophet to have captives until he hath made slaughter in the land. Ye desire the lure of this world and Allah desireth (for you) the Hereafter, and Allah is Mighty, Wise. Had it not been for an ordinance of Allah which had gone before, an awful doom had come upon you on account of what ye took. Now enjoy what ye have won as lawful and good, and keep your duty to Allah. Lo! Allah is Forgiving, Merciful".
——(8:67-69)

2. Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, then making fast of bonds; and afterward either grace or ransom till the war lay down its burdens. ——(47:4)

3. And feed with food the needy wretch, the orphan and the prisoner, for love of Him (saying) : We feed you,

for the sake of Allah only. We wish for no reward nor thanks from you…… ——(76:8-9)

In the above verses, following instructions regarding prisoners of war have been given:

1. The enemy should be completely defeated and his fighting power should be completely crushed before the enemy soldiers are taken as war prisoners.

   Since the above mentioned principle was not fully acted upon by the followers of Islam in the Battle of Badr, God has disapproved their action and reprimanded them. The Battle of Badr was the first major clash between the forces of Islam and forces of disbelief and in this battle the Muslims proceeded to take the enemy soldiers as prisoners before crushing the fighting power of the enemy and later on decided to release these prisoners against ransom. Had the Muslims pursued the enemy when it fled and crushed it completely, they might have been spared future hardships which the enemy created for them. As it was not done, their action regarding taking of prisoners and releasing them on ransom, which was otherwise permitted by verse 4 of chapter 47 of Al-Qur'an, has been severely condemned being unwanted on the occasion of first encounter between Islam and Disbelief.

2. The prisoners should be taken in the actual battle filed before the hostilities cease and war terminates.

3. They should be accorded kind and humane treatment. They should be properly fed. The Qur'an considers it an act of virtue and goodness to feed prisoners for love of Allah without wishing any reward or thanks.

4. Regarding release of the prisoners of war, the Qur'an prescribes two options, namely : they should be set free either as a favour and grace, or they should be released for a ransom. Release of prisoners for ransom includes : that they should be set free after accepting ransom money; that they should be set free after taking some service from them or that they can be exchanged for the Muslim prisoners of war who are in the possession of the enemy.

**Ahadith of Prophet Muhammad (PBUH)**

1. Ibn Omar reported that the Apostle of Allah sent Khalid-b-Walid to Banu Jizimah and invited them to Islam but they were not good enough to say : We accepted Islam. They began to say : We are Sabeans, we are Sabeans. Then Khalid began to put them to death and make them captives. He allotted one captive to every one of us till one day Khalid passed order to put to every captive under us to death. I said : By Allah, I shall not kill my captive, and none of my companions will kill his captive till we approach the Prophet and mention it to him. He raised up his hands and said : O Allah, I am innocent to Thee of what Khalid did twice. ——(Bukhari)

2. Ayesha reported that when the Apostle of Allah took captives of those who joined at Badr, he killed Oqbah-b-Abi Muait and Nazr-b-Hares and he showed favour to Abu Garrah al-Juhamiy. ——(sharhi Sunnat)

3. Jubair-d-Mut'em reported that the Apostle of Allah said about the captives of Badar : Had there been Mut'em-b-Adi alive and then interceded to me for these impure captives, I would have set them free on his account. ——(Bukhari)

4. Anas reported that eighty men from the inhabitants of Makkah with full arms suddenly fell upon the Prophet from the hill of Tan'eem intending thereby to attack the Prophet and his companions unawares. He arrested them suddenly and gave them life, and in a narration : "He set them free". Then the Almighty Allah revealed : And He it is who withheld their hands from you and your hands from them in the valley of Makkah (48 : 24) ——(Muslim)

5. Merwan and Meswr-b-Makhramah reported that the Apostle of Allah stood when a deputation of Hawazin waited on him to accept Islam. They begged him to return their properties and captives. He said: Choose one of the two measures–either captives or properties. They said: We prefer our captives. The Messenger of Allah then got up, praised Allah with what is due to Him and then he said: As for next, your brethren have come quite repentant, and indeed I now consider that I should return them their captives. So whoso of you likes that it would be pleasing, let him do, and whoso of you likes that he should get his share, till we give it to him out of what Allah gives us as Fai, let him do so. The people said: O Messenger of Allah! We are willing to release (captives). We don't know who are among you who will give permission and who will not give permission. So return till your leaders come to us over your affairs. Then the people returned and so the leaders talked with them. Afterwards they returned to the Messenger of Allah. They informed him that they were glad and so gave permission. ——(Bukhari)

6. Imran-b-Hussain reported that Saqif was an ally to Banu Oqail. Saqif took two persons out of the companions of the Holy Prophet as captives, and the companions of the Prophet took captive of a man of

Banu Oqail. They tied him firm and threw him in heat. The Messenger of Allah passed by him, and he called him: O Muhammad, O Muhammad, for what have I been overtaken? He said: For faults of your ally Saqif. Then he left him and departed. He called out to him: O Muhammad, O Muhammad. The Prophet then took compassion on him and returned. He asked: what is the matter with you? He said: verily I am a Muslim. He said: if you tell this and control your own affair, you will attain full success. He said that the Holy Prophet had ransomed him in exchange of two men whom Saqif made captives. ——(Muslim)

7. Ayesha reported that when the Makkans went for the ransom of their captives, Zainab sent a property to ransom Abul A's. She also sent therein her necklace which was with Khadijah who gave it to her as dower of marriage with Abul A's. When the Holy Prophet saw it, his compassion was greatly moved and he said: Inform me whether you would set her captive free for her and return her what belongs to her. 'Yes' said they. The Prophet then asked him to let free the way of Jainab to come to him. The Holy Prophet sent Zaid-b-Haresah and a man from the Ansars and said: Stay at the valley of Najeh till Zainab passes by you. Then accompany her till you can bring her back.

——(Ahmad, Abu Daud)

8. Ibn Mass'ud reported that when the messenger of Allah wished to kill Oqbah-b-Abi Muait, the latter said: Who is for the children? He replied: the fire.

——(Abu Daud)

From the traditions reported above and from the battles fought by the Prophet and his companions which have been recorded in Islamic history, we get the following

information regarding the treatment of the Prophet with prisoners of war.

1. Seventy prisoners fell into the hands of the Muslims in the battle of Badar. The question arose how to treat these prisoners. The Prophet consulted his companions on this vital issue. The opinion of Abu Bakr was that the prisoners should be released on ransom, while Umar suggested that the prisoners should be put to sword. The Prophet (PBUH) agreed with the views of Abu Bakr and decided to release the prisoners on receipt of ransom. Those prisoners who were poor were required to teach ten Muslim children each and, thus, get their liberty. The rich among the prisoners were obliged to pay ransom (generally four thousand Dirhams per head) for securing their freedom. The Prophet's uncle Abbas and son-in-law Abu'al A's had to pay ransom for their release. Those prisoners who were poor and also illiterate being unable to pay ransom or teach children were set free without ransom.

2. During their detention, the prisoners of Badr were distributed among the companions by the Prophet (PBUH) as there were no state prisons in Madinah in those days. Each companion got one or two prisoners with instructions that they should be treated kindly and food, clothing and lodging should be provided to them according to means. The companions of the Prophet treated the prisoners so kindly that one of the prisoners is reported to have remarked : "Blessings be on the people of Madinah! They made us ride while they themselves walked, they gave us bread to eat when there was little of it contenting themselves with dates". Suhail-b-Amr, a prisoner of war, was a good orator who used to deliver speeches against Islam. Umar suggested that two of his teeth should be

broken, but the suggestion was turned down by the Prophet who said: "I have not been sent to mutilate men".

3. Out of the Seventy prisoners taken at Badr, only two were put to sword, namely, Oqbah bin Abi Muait and Nazr bin Hares. They were put to death not for their participation in Battle of Badr against the Muslims, but for their unparalleled enmity against Islam and for their oppression, tyranny and persecution to which they had been subjecting the innocent Muslims at Makkah.

It is reported that when Oqbah bin Abi Muait was being put to death for his war crimes, he cried: who will care for his children? The Prophet replied: Fire. This reply of the Prophet has been unfortunately subjected to very harsh criticism by the enemies of Islam particularly by some of the non-Muslim scholars of modern times whose enmity against Islam is otherwise an open secret. They assail the conduct of the Prophet on human and compassionate grounds. Research, however, reveals that Oqbah belonged to tribe called Bani-An-Nar (children of fire) and the reply of the Prophet in fact referred to that fact which would mean that people of his tribe shall take care of them. Otherwise the man who has been referred to in the Qur'an as Mercy for both the worlds, who was a champion and a great protector of the rights of orphans and widows, and whose love for children was proverbial, would not give such an inhuman reply.

Even otherwise the refusal of the Prophet to release Oqbah on the pretext of "who will look after his children" can be defended on the principle of justice. If this pretext is to govern the dispensation of justice, then no criminal on earth who is guilty of war crimes, robbery, adultery, murder,

rebellion, etc. can ever be punished as in case of his conviction his children may face hardships.

Only one person, the poet Abu Azzah from the prisoners of Uhud was beheaded. From the prisoners taken at Khaiber only Kinanah bin Abi al-Huqaiq was put to death because of his violating the agreement. At the conquest of Makkah, the Prophet declared general amnesty, but in respect of only a few persons (not more than half a dozen) the orders were issued that wherever they were found they should be put to death. However, these orders were withdrawn in respect of more of them and only two or three were put to death who had committed unforgivable crimes against the Muslims and Islam.

It would be fair if we describe here the fate of Jewish tribe of Banu Quraizah as that has invited very harsh criticism against the Prophet from hostile quarters. In the fifth year of the Hegira, the Makkans along with their allies again invaded Madinah with a large army of ten thousand. Against this formidable host the Muslims could muster only three thousand men. So they dug a trench round the unprotected quarter of the city and relied for the safety of the other parts on Banu Quraizah who were allied to the Muslims by Charter of Madinah and were bound to support them in case Madinah is invaded. These Jews, however, broke their pledge and joined the invaders. As soon as the enemy raised the siege and left the place, the Muslims under the Prophet decided to expel the Jews as their presence in the city might lead in future to the destruction of the city. Since the Jews refused to leave, they were besieged and forced to surrender at discretion. They made only one condition that their punishment should be left to the judgement of Saad bin Muaz the chief of Banu Aus whose clients they were. The arbitrator gave the award that their fighting men should be put to death and their women and children should be made slaves. The award was

implemented. This may be severe punishment according to modern thinking but it was customary according to the rules of war then prevalent. Moreover, the punishment was announced by the arbitrator appointed by the Jews themselves, the Prophet was not responsible for this punishment.

4. About the prisoners taken at Badr, the Prophet is reported to have said: "If Mutem bin Adi were alive and had interceded for the release of the prisoners, I would have set them free on his account". From this Hadith it can be inferred that prisoners of war can be set free as a matter of grace, ransom is not essential.

5. Six thousand persons were taken prisoners by the victorious Islamic army in the Battle of Hunain. When a deputation from the tribe of Hawazin approached the Prophet to secure release of these prisoners, the prisoners had already been distributed among the Muslim soldiers. The Prophet called upon the soldiers to release their prisoners without ransom but if anyone of them wanted ransom that would be paid out of the first receipt of income in the public treasury. He himself freed his share immediately without any ransom. Following his example almost all the Muslims freed the prisoners of their shares without any ransom. This example sets the principle that the government is not authorized to release the prisoners after their distribution among the Muslims except the willingness of the holders of the prisoners. The holders may free them gratis or by accepting ransom which may be paid by the Islamic state out of public treasury.

6. In the expedition against Tayy, many prisoners of war were captured including the daughter of famous Hatim Tai. The prisoners were released for ransom.

However, daughter of Hatim had no one to pay for her ransom, so she was set free by the Prophet without ransom and was provided conveyance for her journey.

7. In the Battle of Bani al-Mustaliq, many prisoners were taken and among them was Juwairiyah whom the Prophet married. Because of this marriage, all the prisoners were released gratis by the Muslims, saying : Now they are relatives of the Prophet.

8. On the occasion of the Treaty of Hudaibiyah, some eighty persons attacked the Muslim camp at the dawn. However, they were captured and later on released gratis.

9. Hadith No.6 given above shows that exchange of Non-Muslim prisoners captured by Muslims for Muslim prisoners captured by others was also ordered by the Prophet of Islam. The Prophet ordered exchange of one person of Bani Oqail who had been captured by the Muslims for two Muslims who had been captured by Bani Saqif an ally of Bani Oqail. Thus mutual exchange became a rule and is still followed.

## II- Rules Framed by the Jurists in the Light of the Text

The jurists of Islam have framed the following rules regarding the prisoners in the light of the Qur'anic instructions and traditions of the Prophet of Islam:

1. Commenting upon verse 4 of Chapter 47 of the Holy Qur'an which is the main source of Islamic law regarding captives of war, Syed Abul 'Ala Maududi writes :

"The general command that has been given about the prisoners of war is: "Show them favour, or accept ransom from them".

"Favour includes four things: (a) That they should be treated well as prisoners; (b) That instead of killing them or keeping them in captivity for lifetime, they should be handed over to the individual Muslims as slaves; (c) That they should be put under Jizyah and made dhimmis; and (d) That they should be set free without ransom.

"There are three ways of ransoming them: (a) That they should be set free on payment of a ransom; (b) that they should be set free after taking some special service from them; and (c) that they should be exchanged for the Muslim prisoners of war who are in the possession of the enemy."

How to deal with the prisoners of war, the discretion to decide has been left with the commander. The commander of the forces or in certain important cases the caliph would decide whether war captives are to be beheaded, enslaved, released on paying ransom, exchanged with Muslim prisoners, or released gratis.

The Holy Prophet and the Companions at different times acted in one or the other way as the occasion demanded. The Divine Law has not bound the Islamic government to act in only one particular way. The government can take any action it deems appropriate on a particular occasion.

2. Beheading of Prisoners: The general principle of law which has been enshrined in chapter 47 verse 4 of the Qur'an is "either grace or ransom" which means that the war prisoners may be released gratis or after

ransom. From this the jurists hold that the prisoners should not be put to death. This is the general rule upon which almost consensus exists among the jurists of every age. However, possibilities of exceptions to this general rule also exist as the above mentioned verse of the Holy Qur'an does not clearly forbid to kill a prisoner. The Prophet of Islam is also reported to have ordered capital punishment for certain particular prisoners on some occasions in exceptional circumstances.

Hence the general rule is that prisoners of war should not be put to death. But in extreme cases of necessity and in the higher interests of Islam and Islamic state, some particular prisoner of war can be killed for war crimes, for his persecution of Muslims and for his enmity against Islam. However, no prisoner can be killed for mere acts of belligerency. And even for war crimes, none can order, not even the commander of Muslims forces, for the death penalty. Only the head of state can do so.

If a prisoner accepts Islam, he cannot be killed. A prisoner can be killed only when he is in government custody. If he has been given in custody of someone, he cannot be put to death. In case of capital punishment, he would be killed in the customary manner in which the persons found guilty of crimes are killed; he shall not be tortured to death.

3. Release with Ransom: The Holy Qur'an has legalised releasing prisoners of war on receipt of ransom in verse No.4 of Surah 47. Hence there are some instances of release of prisoners on various kinds of ransom in the reign of the Prophet. Sometimes the prisoners were required to pay ransom in gold and silver as the prisoners of Badr were required to pay

one thousand to four thousand dirhams each; sometimes they were required to render some valuable service as some of the prisoners of Badr were required to teach a number of Muslim boys how to read and write; sometimes arms of war were accepted from them as compensation.

4. Exchange of Prisoners: Release of prisoners on ransom, as already explained, also includes release in exchange. Several instances of the exchange of prisoners are found in the life of the Prophet; sometimes one for one, at others one for more. We have already related a Hadith according to which the Prophet exchanged one prisoner of Banu Oqail whom Muslims had captured with two Muslim prisoners who had been captured by Banu Saqif an ally of Banu Oqail. On another occasion one female captive who had been taken prisoner in an expedition led by Abu Bakr was exchanged with Quraish of Makkah for several Muslims whom Quraish detained. Hence the exchange of prisoners became a rule and is still followed, although in later times it developed into a complicated institution involving exchange of thousands of prisoners. However, there is consensus that if a non-Muslim prisoner embraces Islam of his own free will, he may not be handed over to disbelievers for the purpose of exchange.

5. Gratis Release: This means release of prisoners without any ransom or compensation. This is approved rather recommended as one of the options for release of prisoners by Verse 4 of Chapter 47 of al-Qur'an which recommends "either grace or ransom" as courses of action for setting free the captives of war when hostilities have ceased. There are many instances of gratuitous release of prisoners by the Prophet from the Battle of Badr until his death. There

are also instances of release on parole with the condition that the released persons would not take part in hostilities against Muslims. However, order for such type of release can be issued by the Islamic state or the commander before the distribution of war captives among the soldiers, because when they are distributed then they cannot be released without the consent of the holders. The captives of Hawazin provide a good example when the Prophet had to pay compensation from the public treasury to all those who possessed these captives and who were not willing to part with their share without ransom.

6. Enslavement: The recommendation of the Qur'an in its verse 4 of chapter 47 is that prisoners would be freed either gratuitously or with ransom. Thus this verse does not directly permit nor does it prohibit enslavement of war captives. In the practice of the Prophet, however, there are some instances of enslavement of the prisoners of war. The females and children of the Jewish tribe of Banu Quraizah in accordance with award of the arbitrator, were enslaved and distributed among the Muslims. The captives of Battle of Hunain were distributed among the Muslim troops, but later on released when a delegation of Banu Hawazin, who had embraced Islam, approached the Prophet for their release. Captives of Arab tribe of Bani-al-Mustaliq were also distributed among the Muslim troops but later on released voluntarily when the Prophet married a girl from among the captives after liberating her.

   Later on the Prophet declared that no Arab could be enslaved. Caliph Umar issued orders that peasants, artisans and professionals of belligerent states should not be enslaved. It has been held by the jurists that Muslims captured in war cannot be made slaves and

similarly those who embrace Islam before being taken as prisoners could not be enslaved. However, those who accept Islam after being taken prisoners cannot escape slavery. Caliph Umar is reported to have said : "When a prisoner embraces Islam after falling into the hands of the Muslims as captive, he will not be killed, but will remain as a slave".

7. Treatment of Enslaved Prisoners: As stated earlier, those captives of war who are not released gratis or on ransom or not exchanged are distributed among their capturers or among the ordinary Muslims as slaves. Before distribution the Islamic government is responsible for their food, clothing, lodgement and in case of illness for their treatment. But as soon as they are distributed, those in whose custody they are given become responsible for their food, clothing, lodgement, medical care, etc.

General instructions issued by the Prophet to his followers about the prisoners were that they should be accorded very kind treatment and provided food, clothes and accommodation according to means. The prisoners cannot be killed or mutilated by those in whose custody they are given. The Prophet also issued instructions: "If there is a woman with a child among the prisoners, she is not to be separated from her child, nor near relatives from one another. And prisoners are to be treated according to their status in their society".

We would deal with Islam's treatment of slaves in a separate chapter and will see how Islam made the slaves brothers of the Muslims and assigned a very respectable status to them in Islamic society.

# CHAPTER 8

# TREATMENT WITH THE CONQUERED PEOPLE

The humane and kind treatment given by Islam to the non-Muslims who are conquered by Islamic forces is another interesting subject connected with Jihad which needs elaboration. If such non-Muslims embrace Islam they are given cent per cent equal status with Muslims as Islam does not punish the individuals for their past sins prior to their conversion nor does it discriminate between man and man on the basis of colour, race, blood, language, nationality, place of birth or possession of wealth. Thus the newly-converted Muslims enter into the universal fraternity of Islam and become brothers of old Muslims with the same rights and obligations which the old Muslims have. In case the defeated non-Muslims do not embrace Islam and prefer to retain their old religion, they are given the status of Zimmis (the protected or the covenanted People) and become the respectable subjects of the Islamic state. After payment of a tax of petty amount known as Jizyah (or protection-tax) they become almost equal citizens with the Muslims and enjoy the same socio-economic and legal rights which the Muslim citizens have.

In this chapter we shall discuss the status and rights given by the Islamic state to its non-Muslim citizens. However, before doing so we need to go through the verses of the Qur'an, Ahadith of Prophet Muhammad (PBUH), some historical events and documents.

## I-The Qur'an and Hadith

### The verses of al-Qur'an:

Al-Qur'an, the revealed book of Islam, guarantees freedom of religion to the non-Muslims in its following verses:

1. There is no compulsion in religion. The right direction is, henceforth, distinct from error. And he who rejecteth false deities and believeth in Allah hath grasped a firm hand-hold which will never break. Allah is Hearer, Knower. ——(2:Al-Baqarah:256)

2. Say: (It is) the truth from the Lord of you (all). Then, whosoever will, let him believe, and whosoever, will, let him disbelieve……. ——(18:Al-Kahf:29)

3. Say: O disbelievers!
I worship not that which ye worship;
Nor worship ye that which I worship.
And I shall not worship that which ye worship.
Nor will ye worship that which I worship.
Unto you your religion, and unto me my religion.
——(109:Al-Kafirun: 1-6)

4. For dealing kindly and justly with the non-Muslims, the Qur'an enjoins upon its followers: "Allah forbiddeth you not those who warred not against you on account of religion and drove you not out from your homes, that ye should show them kindness and deal justly with them. Lo! Allah loveth the just dealers. Allah forbiddeth you only those who warred against you on account of religion and have driven you out from your homes and helped to drive you out, that ye make friends of them. Whosoever maketh friends of them-(all) such are wrong-doers." ——(60:Al-Mumtahanah:8-9)

5. The Qur'an permits its followers to have close social relations with the non-Muslim (Ahle-Kitab) in these words: "….The food of those who have received the scripture is lawful for you, and your food is lawful for them. And so are the virtuous women of those who

received the scripture before you (lawful for you)…." ——(5:Al Maidah: 5)

6. The Qur'an permits the non-Muslims to settle their mutual disputes in accordance with their religious or personal law in its following verse: How come they unto thee for judgement when they (the jews) have the Torah, wherein Allah hath delivered judgement (for them)? ——(5: Al Maidah: 43)

7. The Qur'an does not permit intolerance in any manner. The religion of the non-believers can neither be ridiculed nor their deities and objects of worship can be condemned. The Qur'an says: "Don't abuse those whom they invoke besides Allah, lest they should, in their ignorance, abuse Allah ….." (6:108). In the case of preaching and propagation of Islam, the Prophet (PBUH) and his followers have been instructed to be extremely polite and respectful to the non-believers avoiding any aggressive methods and offensive language. The Qur'an says:

   Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way. ——(16:125)

8. In the following verses, the Qur'an rules out forced conversion of non-Muslims into the fold of Islam:

   - There is no compulsion in religion. ——(2:256)

   - Had Allah willed, they had not been idolatrous. We have not set thee as keeper over them, nor art thou responsible for them. ——(6:107)

   - And if thy Lord willed, all who are in the earth would have believed together. Wouldst thou

(Muhammad) compel men until they are believers? ——(10:99)

- Say: O mankind! Now hath the Truth from your Lord come unto you. So who-so-ever is guided, is guided only for (the good of ) his soul, and who-so-ever erreth, erreth only against it. And I am not a warder over you. ——(10:108)

**Ahadith of Prophet Muhammad (PBUH):**

The following Ahadith of the Prophet of Islam are reproduced to highlight how the Prophet (PBUH) exhorted his followers to honour their pledges with the zimmis (protected people) and accord them the best possible treatment:

i) "If you fight against a people and overpower them, and they agree to pay a fixed indemnity of annual revenue (Kharaj) to you in order to save their lives and those of their progenies, then do not take a penny more than the fixed amount, because that will not be valid". ——(Abu Daud)

ii) "Beware! Whosoever is cruel and hard on such people i.e, ("Contractees") or curtails their rights, or burdens them with more than they can endure, or realises anything from them against their free-will, I shall myself be a complainant against him on the Day of Judgement." —— (Abu Daud)

iii) " Observe scrupulously the protection accorded by me to non-Muslim subjects" Prophet Muhammad (PBUH) is reported to have remarked on his death-bed.
——(Al-Mawardi quoted by Dr. Hamidullah)

# II-Some Historical Events and Treaties

Let us now examine some historical events and the treaties of peace which were made as result of these events, in the time of the Prophet and the caliphs and judge for ourselves the kind of treatment given by the Muslims to their subject nationalities.

1. **Prophet's Migration to Madinah and the Charter of Madinah:** Prophet Muhammad (PBUH) migrated from Makkah to Madinah in the year 622 A.D. Soon after his arrival in Madinah the Prophet concluded a three-party treaty or alliance which is known in history as the charter of Madinah. The parties to this charter were Mahajreen (those Muslims who had migrated with Prophet from Makkah to Madinah) and Ansar who had welcomed the refugees from Makkah) and the Jewish tribes of Madinah. The portion of this charter concerning the Jews reads as under:

   "Whoever among the Jews follows us shall have help and equality; they shall not be injured nor shall any enemy be aided against them. The Jews maintained their religion and the Muslims theirs. Among the Jews (belonging to different tribes), so with their adherents: those who transgress and behave unjustly and sinfully hurt but themselves and their families. Loyalty is a protection against treachery. The close friends of Jews are as themselves. Each, if attacked, shall come to the help of the other. The valley of Yathrib (Madinah) shall be sacred and inviolable for all who join this Treaty. Strangers under protection shall be treated on the same grounds as their protectors."

   The Jews unfortunately did not fulfil the terms of their pledge and instead of helping the Muslims on the occasions when Madinah was invaded they conspired

with the invaders and helped them against the Muslims. So the Prophet was forced to take action against them. Thus two tribes of the Jews (Banu Qaynuqa and Banu Nazir) were expelled from Madinah while the third tribe (Banu Quraizah) was given exemplary punishment in accordance with the decision announced by the arbitrator appointed by the Jews themselves.

The treatment of the Prophet of Islam with the Jews of Al-Madinah, especially the killing of the men of Banu Quraizah, a tribe of Jews, is generally criticised by the non-Muslims. However, Lane-Poole, a non-Muslim historian defends it as follows:

"It is, I believe solely on the ground of his treatment of the Jews that Muhammad has been called "a blood thirsty tyrant": it would certainly be difficult to support the epithet on other grounds. The bloodthirstiness consists in this: some half-dozen Jews, who had distinguished themselves by their virulence against the Muslims, or by their custom of carrying information to the common enemy of Medina, were executed; two of the three Jewish clans were sent into exile, (just as they had previously come into exile) and the third was exterminated——the men killed and the women and children made slaves. The execution of the half-dozen marked Jews is called assassination, because a Muslim was sent secretly to kill each of the criminals. The reason is almost too obvious to need explanation. There were no police or law courts or even courts-martial at Medina; someone of the followers of Muhammad must, therefore, be the executor of the sentence of death and it was better it should be done quietly, as the executing of a man openly before his clan would have caused a brawl and more bloodshed and retaliation, till the whole city had

mixed up in the quarrel. Of the sentences upon the three whole clans, that of exile, passed upon two of them, was clement enough. They were a turbulent set, always setting the people of Medina by the ears; and finally a brawl followed by an insurrection resulted in the expulsion of one tribe; and insubordination, alliance with enemies and a suspicion of conspiracy against the prophet's life, ended similarly for the second. Both tribes had violated the original treaty, and had endeavoured, in every way, to bring Muhammad and his religion to ridicule and destruction. The only question is whether their punishment was not too light. Of the third clan, a fearful example was made, not by Muhammad, but by an arbitrator appointed by themselves. When the Quraish and their allies were besieging Medina, and well-nigh stormed the defences, this Jewish tribe entered into negotiations with the enemy, which were only circumvented by the diplomacy of the Prophet. When the besiegers had retired, Muhammad naturally demanded an explanation of the Jews. They resisted in their dogged way and were themselves besieged and compelled to surrender at discretion. Muhammad, however, consented to the appointing of a chief of a tribe allied to the Jews as the judge who should pronounce sentence upon them. The man, in question, was a fierce soldier, who had been wounded in the attack on the Jews, and, indeed, died from his wound the same day. This chief gave sentence that the men, in number some 600, should be killed, and the women and children enslaved; and the sentence was carried out. It was a harsh, bloody sentence, worthy of the Episcopal generals of the army against the Albigenses or of the deeds of the Augustan age of Puritanism; but it must be remembered that the crime of these men was high treason against the State, during time of siege; and those who have read how

Wellington's march could be traced by the bodies of deserters and pillagers hanging from the trees, need not be surprised at the summary execution of a traitorous clan."

2. **Submission of Najran and the terms of peace:** In the sixth year of the Hegirah, Muhammad (PBUH) granted to the Christians of Najran a charter which is a monument of enlightened tolerance. Relevant portion of this reads:

"To (the Christians of) Najran and the neighbouring territories, the security of Allah and the Pledge of His Prophet are extended for their lives, their religion and their property…..to those present as well as the absent ones and others besides: there shall be no interference with (the practice of) their faith or their observances, nor any change in their rights or privileges; no bishop shall be removed from his bishopric, nor any monk from his priesthood, and they shall continue to enjoy everything great and small as heretofore; no image or cross shall be destroyed; they shall not be oppressed or suppressed; they shall not practice their rights of blood-vengeance as in the Days of Ignorance; no tithes shall be levied on them nor shall they be required to furnish provisions for the troops, nor shall troops be quartered on them."

3. **Conquest of Makkah and Prophet's treatment of his old enemies.** In the year 8, A.H. (630 A.D.) the Prophet marched with ten thousand men against the Quraish who had broken the truce of Hudaibiyah, and entered Makkah almost unopposed. "Thus Muhammad entered the city which had so cruelly ill-treated him. It lay now completely at his mercy. The chiefs of Quraish had committed so many crimes against him and his companions for thirteen years in

Makkah and then waged wars against them for eight years when they sought refuge in Madinah. But in the hour of triumph every evil suffered was forgotten, every injury inflicted was forgiven and a general amnesty was declared; " He who takes refuge in the house of Abu Sufyan is safe: whosoever closes the door of his house, the inmates thereof shall be in safety, and he who enters Kaabah is safe." Ikrimah, son of Abu Jahl and Prophet's longtime enemy was forgiven. Wahshi, the murderer of Prophet's uncle Hamzah and Hind, wife of Abu Sufyan who had chewed liver of Hamzah in the battle of Uhud, were extended clemency. Habbar who had attacked Prophet's daughter Zainab with a spear on her way from Makkah to Madinah when she was pregnant and almost killed her was pardoned. Abu Sufyan who had been leading the forces of Quraish in attacks against Madinah and was the bitterest enemy of the Prophet and of Islam was not only forgiven but his house was declared a place of safety for those who entered into it. Thus every enemy was forgiven. Out of the whole population of Makkah only four persons who were guilty of crimes like murder and apostasy and whom justice condemned were executed. They were Abdullah bin Khatal, Migyas bin Hubaba, Huwayrith and one singing girl.

It is said when the Quraish came before him, the Prophet asked: "O Quraish what do you think, of the treatment which I am going to accord you?" They replied: " O noble brother and son of a noble brother! We expect nothing but good from you." Upon this the Prophet said: I speak to you in the same words as Joseph spoke unto his brothers: This day, there is no reproach against you; go your way, you are free."

Can history offer such an instance of a peaceful conquest of city which had been for years hub of tyranny and oppression against the conquerors and had left no stone unturned in harming the conquerors in person and their faith? According to Syed Ameer Ali, most truly has it been said that through all the annals of conquest, there has been no triumphant entry like unto this one." Historian Lane-Poole writes: "Facts are hard things; and it is a fact that the day of Muhammad's greatest triumph over his enemies was also the day of his grandest victory over himself."

4. **Conquest of Damascus:** During reign of Abu Bakr, the first caliph of Islam who succeeded the Prophet, Damascus was conquered by the famous general of Islam Khalid bin Walid who issued the following terms of peace to the inhabitants:

"In the name of Allah, the Compassionate, the Merciful. This is what Khalid bin Walid would grant to the inhabitants of Damascus if he enters therein; he promises to give them security for their lives, property and churches. Their city-walls shall not be demolished, neither shall any Muslim be quartered in their houses. Thereunto we give to them the Pact of Allah and the protection of His Prophet, the caliphs and believers. So long as they pay the poll-tax, nothing but good shall befall them." ——(Baladhuri, Tr. Hitti)

5. **Surrender of Jerusalem:** Following is the text of the treaty whereby Jerusalem surrendered to the Muslims during the caliphate of Umar (638. A.D.):

This is the charter which the servant of God, the commander of the faithful, grants to the people of Aelia. He gives them the assurance of the preservation of their lives and properties, their churches and

crosses. Your churches will not be transformed into dwellings nor destroyed nor will anyone confiscate any thing belonging to them, nor the crosses or belongings of the inhabitants. There will be no constraint in the matter of religion, nor the least annoyance. The Jews will inhabit Aelia conjointly with the Christians, and those who live there will be required to pay the poll-tax, like the inhabitants of other towns. Greeks and robbers are to leave the town, but will have a safe conduct until they reach a place of security. Still, those who prefer to remain may do so on condition of paying the same poll-tax as the rest. If any of the people of Aelia desire to leave with the Greeks, taking their goods, but abandoning their chapels and crosses, they will be granted personal safety, until they arrive at a secure place. The strangers in the town may remain on the same condition of paying the tax, or, if they wish, they may also leave with Greeks, and return to their land. …… All that this treaty contains is placed under the alliance and protection of God and of His Apostle" (Sir William Muir: The caliphate, Its Rise, Decline and Fall.)

6. **Conquest of other Lands:** The Muslims were held as deliverers and liberators by the general masses when they conquered Persia, Africa and Spain. Regarding this, the famous Muslims scholar Syed Ameer Ali writes:

"Consequently, wherever the Muslim missionary-soldier made his appearance, he was hailed by the down-trodden masses and the persecuted heretics as the harbinger of freedom and emancipation from a galling bondage. Islam brought to them practical equality in the eye of the law, and fixity of taxation. The battle of Kadesia, which threw Persia into the hands of the Muslims, was the signal of deliverance to

the bulk of the Persians, as the battle of Yermuk and Ajnadin were to the Syrians, the Greeks, and the Egyptians. The Jews, whom the Zoroastrians had massacred from time to time, the Christians, whom they hunted from place to place, breathed freely under the authority of the Prophet, the watchword of whose faith was the brotherhood of man. The people everywhere received the Muslims as their liberators. Wherever any resistance was offered, it was by the priesthood and the aristocracy."

"The conquest of Africa and Spain was attended with the same result. The Arians, the Pelagians, and other heretics, hitherto, the victims of orthodox fury and hatred, —— the people at large, who had been terribly oppressed by a lawless soldiery and a still more lawless priesthood, — found peace and security under Islam. By an irony of fate, which almost induces a belief in the Nemesis of the ancients, the Jews, whose animosity towards the Prophet very nearly wrought the destruction of the Islamic commonwealth, found in the Muslims their best protectors. "Insulted, plundered, hated and despised by all Christian nations," they found that refuge in Islam, that protection from inhumanity, which was ruthlessly denied to them in Christendom."

"Immediately on their arrival on the soil of Spain, the Saracens published an edict assuring to the subject races, without any difference of race or creed, the most ample liberty, Suevi, Goth, Vandal, Roman, and Jew were all placed on an equal footing with the Muslim. They guaranteed to both Christian and Jew the full exercise of their religions, the free use of their places of worship, and perfect security of person and property. They even allowed them to be governed, within prescribed limits, by their own laws, to fill all

civil offices and serve in the army. Their women were invited to intermarry with the conquerors. Does not the conduct of the Arabs in Spain offer as astonishing contrast to that of many European nations, even in modern times, in their treatment of conquered nationalities?"

"Under the Mogul Emperors of Delhi, Hindus commanded armies, administered provinces and sat in the councils of the sovereign. Even at the present time can it be said that in no European empire, ruling over mixed nationalities and faiths, is any distinction made of creed, colour or race?"

## III- Rights of the Non-Muslims

Having gone through the relevant verses of the Holy Qur'an and Ahadith of Muhammad (PBUH) and having surveyed some historical events and treaties, we shall now discuss the rights granted by Islam to the non-Muslim subjects of the Islamic state.

The jurists of Islam have divided the non-Muslim citizens of an Islamic state broadly into two categories: those who enter into a treaty or a specific agreement with the Islamic state in a war or without a war and those who are defeated in the battlefield and thus surrender to the Islamic forces. The former are treated in accordance with the terms of the treaty and such treaties are to be complied with strictly at all costs, while the latter are also given kind treatment and all the due rights if they lay down their arms, accept the sovereignty of the Islamic state and agree to pay Jizyah tax. However, for practical purpose, there is no difference between these categories of non-Muslim citizens as all such people have been guaranteed all human rights by the Qur'an and the Sunnah. These rights are sacred and

are inviolable and Islamic state cannot curtail or restrict these rights on any pretext or excuse.

As submitted earlier the non-Muslims living in the Islamic state are called Zimmis and the understanding or contract governing relationship between the Islamic state and such non-Muslims is called Aqd-ul-Zimmah. The Zimmis mean protected people and they are so called because the Islamic state becomes duty-bound to protect their lives, honour and properties and also their religions freedom the very moment they submit to Islamic rule and start paying Jizyah.

We would now briefly lay down the rights which have been conferred by Islam on its non-Muslim subject in the following paragraphs:

1. In an Islamic state, all the fundamental rights of Zimmis including right to life, property and honour are guaranteed by Islam. The blood of a Zimmi is considered as much sacrosanct and sacred as that of a Muslim. In the days of Prophet Muhammad (PBUH), a Muslim killed a Zimmi. When the case was brought before the Prophet (PBUH), he ordered the execution of the murderer and remarked: "I am responsible for obtaining redress for the weak". During the reign of Ali, a Muslim was accused of murdering a Zimmi. When the charge was proved, Ali issued order for the execution of the accused. It was only when the brother of the deceased received blood-money and pardoned the murderer that the caliph agreed to release him. Ali said at that time: "Whoever is our Zimmi, his blood is as sacred as our blood and his property is as inviolable as our own property". At another occasion, Ali declared: "They have accepted the position of Zimmis on the explicit understanding

that their properties and their lives will remain sacred like those of ours (i.e. of the Muslims)".

2. Islam guarantees religious freedom to everyone. In an Islamic state, every citizen, may he or she be a Muslim or a non-Muslim, is at liberty to profess and practice his own religion. Thus the non-Muslim minorities enjoy complete religious freedom in an Islamic state as the state does not interfere in their religious matters and shows full tolerance to those who profess and practice religions other than Islam.

   Everybody is free to follow and practice his religion on the basis of the Qur'anic principle: "Unto you your religion and unto me my religion." The Prophet of Islam acted upon this principle literally and gave religious freedom to all of his non-Muslim subjects. We have already glanced through the relevant portions of Charter of Madinah and the letter written by the Prophet (PBUH) to Christians of Najran and have seen that the Jews of Madinah and the Christians under the Islamic state enjoyed full religious freedom and complete protection.

   The following extract from Encyclopedia of Seerah is reproduced to show the benevolent attitude of the early Islamic governments towards the non-Muslims regarding their religious practices and places of worship. The Encyclopedia says:

   "It is a notable fact, with few parallels even in modern history, that after the conquest of Egypt, the Caliph Umar scrupulously preserved intact the property dedicated to the Christian churches and continued the allowances made by the former governments for the support of the priests." (Ameer Ali, the Spirit of Islam, p. 274). The best testimony of the freedom of faith

enjoyed by the Christians and members of other religions in the days of the early Muslims is furnished by the Christians themselves. In the reign of 'Uthman (the third Caliph), the Christian patriarch of Merv addressed the Bishop of fars, named Simeon, in the following terms, "The Arabs, who have been given by God the Kingdom (of the earth), do not attack the Christian faith: on the contrary, they help us in our religion; they respect our God and our saints, and bestow gifts on our churches and monasteries.

Al-Qur'an, the revealed both of Islam, and Muhammad (PBUH), the Prophet of Islam, have strictly prohibited the forced conversion of non-Muslims to Islam. Hence no non-Muslim is forced to embrace Islam against his free will. History of Islam dispels the wide-spread fallacy that the Muslim conquerors place before the non-Muslims only option of conversion or the sword.

3. The non-Muslim subjects of the Islamic state fully enjoy judicial and social autonomy. Their judicial autonomy is guaranteed by verses 43 and 47 of Surah 5 of the Holy Qur'an which have been reproduced already in section I of this chapter. Thus the non-Muslims are at liberty to decide their mutual disputes in accordance with their personal law. As far as social autonomy is concerned, they are free to protect their language, culture, customs, religious practices, social rituals, mode of dress, etc. in which neither the Islamic government nor the Muslim community can interfere.

4. Disabled or poor Zimmis who have been reduced to begging or the Zimmis who have been overtaken by a calamity are eligible for support from the Bait-ul-Mal of the Islamic state as are the poor and disabled among the Muslims. This rule was established as early as the times of Abu Bakr, the first caliph of Islam.

During his reign, when the famous Muslim general Khalid bin Walid conquered Hira, he specially wrote in the treaty of peace the following terms:-

"I have stipulated that if any one of them becomes unfit to work on account of old age or some other cause, or if anyone who was formerly rich becomes so poor that his coreligionists have to support him by giving him alms, such persons will be exempt from paying the Jizyah and they, together with their dependents, will be helped from the Islamic Treasury (Bait-ul-Mal)."

This rule was further established during the reign of Caliph Umar. He once saw an old Zimmi begging. On enquiry, the Zimmi told the caliph that he was begging for the payment of Jizyah. The caliph at once exempted him from the payment of Jizyah, sanctioned a pension for him and told his treasury officer thus:

"By God, it is undoubtedly not just that we derive benefit from a person in the prime of his youth but leave him to beg in the streets when he is stricken with old age."

5. The non-Muslims living in the Islamic state normally enjoy all the socio-economic and political rights which are available to the Muslim citizens. They can adopt any business or profession to earn their livelihood provided such business or profession is not unlawful, immoral or against the explicit injunctions of Islam like sale of wine or pork to Muslims, business involving usury with a Muslim or prostitution, etc. They have right to participate in social activities, national festivals, social gatherings. They are entitled to government jobs except for few posts like head of state, head of government, head of judiciary, head of

the armed forces, head of parliament and some other key-offices. The Prophet of Islam himself appointed Amr bin Umaiyah-ad-Damri a non-Muslim as an ambassador to Abyssinia for interceding with the Negus in favour of the Muslim refugees. Umar, the second caliph, appointed a Greek Christian as the head of his accounts department to put in order the accounts of state revenues.

Islam enjoins upon the Muslims to treat the non-Muslims very kindly and justly. The Qur'an encourages social relations between the Muslims and non-Muslim people of the Book (Ahle Kitab). The food of Muslims is lawful for the Jews and Christians and that of the Jews and Christians is lawful for the Muslims. The women of the Christians and Jews have been allowed to marry the Muslims without changing their religion, a privilege devoid to other non-Muslims whose women can marry the Muslims after conversion to Islam.

# CHAPTER 9

# JIZYAH

Jizyah is another highly controversial subject which has attracted most hostile criticism against Islam and early Muslims. Jizyah (or Poll-Tax as it is called by the western writers) is a tax which was charged by the Islamic state, on the authority of the Qur'an, from its non-Muslim conquered people who submitted to the Islamic rule and agreed to pay it generally under a treaty of peace. Non-Muslim writers, particularly of the modern age, call this tax as most-discriminatory, which, according to them, is charged by the Islamic state to humiliate its non-Muslim subjects. In this chapter, we shall discuss Jizyah in detail in the light of the Qur'an and the Sunnah and also in the light of the practice of the early caliphs of Islam, and would try to establish how the picture of this humble levy has been wrongly painted by the Non-Muslim writers because of their prejudice against Islam.

## I- Meaning and Rules of Jizyah

The word 'Jizyah' is derived from 'Jaza' which means 'recompense' or 'compensation'. Jizyah is a tax imposed by an Islamic state on its non-Muslim subjects. It is charged in lieu of protection or Zimma given by the Muslim community to the lives and properties of the non-Muslims who are called Zimmis (the protected or covenanted people). Jizyah is charged on the authority of Al-Qur'an which enjoins upon its followers: "fight against such of those who have been given the scripture as believe not in Allah nor the Last Day, and forbid not that which Allah hath forbidden by His messenger, and follow not the Religion of Truth, until they pay the tribute (Jizyah) readily, being brought low" (9:29).

In accordance with this verse of the Qur'an, the Prophet of Islam collected Jizyah from the followers of the Book such as the Jews and the Christians. However, during the reign of his successors when the Muslim armies conquered Persia, Iraq, Syria, Palestine and Egypt, Jizyah was imposed on all the non-Muslims belonging to any faith.

According to authentic Traditions, the Prophet of Islam imposed Jizyah of one dinar on every adult non-Muslim per annum and directed Muadh-bin-Jabal to collect it when the latter was appointed governor of Yemen (Abu Daud). However, during the reign of caliph Umar, the Muslim empire expanded to include rich lands of Egypt, Syria, Iraq and Palestine. So, Caliph Umar raised the rates of Jizyah according to the income level of non-Muslims. The rate of tax for the rich was fixed at 4 dinars, for the middle class it was 2 dinars and for the lower class it was 1 dinar per person per year.

It is not without interest to mention here that Jizyah is levied only on the able-bodied adult non-Muslim men who are capable to fight or who have actually fought against the Islamic forces. Non-combatants like women, children, old, sick, blind, crippled, poor, destitutes, insane, etc. are exempted from its payment. Similarly, priests, monks and slaves are also exempt. Persons who join military service of the Islamic state are also given exemption from the payment of Jizyah. It is reported that the people of Jarjoma, during the conquest of Syria, refused to pay Jizyah on the plea that they were prepared to fight the Muslim battles against their enemy. The condition was accepted by the Muslims and peace was concluded accordingly.

The use of force or coercive methods in the collection of Jizyah are not allowed. For recovery of Jizyah, the non-Muslims are not to be put to undue inconvenience and harassment. Caliph Umar issued a directive to Abu Ubaidah,

the governor of Syria, that the collectors of Jizyah should not harm the Zimmis or unlawfully deprive them of their properties. During his journey to Syria, Umar issued following instructions about the recovery of Jizyah from the Zimmis : "Do not chastise them, for if you do so, Allah Almighty would do the same to you on the Day of Judgement". Hasham bin Hakam found a tax collector punishing a non-Muslim for his failure to pay Jizyah. He reprimanded him and said : "I have heard the Prophet (PBUH) saying that God will chastise (in the Hereafter) those who chastise human beings in this world". According to Imam Abu Yusuf, if any Zimmi has to pay Jizyah and dies before paying it, the same will not be recoverable from his successors nor from the property left by him.

Caliph Ali once directed his Jizyah collectors not to be so much harsh in the collection of Jizyah that the Zimmis are forced to sell their cattle or clothes or other belongings.

The Muslims were so fair and just in respect of Jizyah that when they found themselves unable to protect and safeguard their non-Muslim subjects, they refunded the amount of Jizyah which they had realized. It is reported on the authority of Imam Abu Yusaf that before the battle of Yurmuk when the Muslims withdrew from Hims, Damascus and other advanced posts, Abu Ubaidah, the commander of Muslim army, refunded the whole amount of Jizyah collected from the people of those areas. Not accustomed to such a benevolent treatment by the conquerors, the non-Muslims prayed for the victory and return of the Muslims and said: "O Muslims! We prefer you to the Byzantines, though they are of our own faith because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs, for they have robbed us of our goods and our homes".

When Cyprus was conquered. Caliph Usman did not impose Jizyah on the non-Muslims as he was not sure whether he would be able to protect them against foreign invasion.

## II- Justification of Jizyah

Imposition of Jizyah has been unfortunately subjected to very harsh and bitter criticism, particularly by the non-Muslim scholars. By referring to the words of the relevant Qur''nic verse (9:29), they allege that Jizyah is levied on the Zimmis as a punishment for their disbelief in order to humiliate them. But this allegation is absolutely biased and unfair. In fact, the words of the Qur'anic verse mean that the infidels in the war should be forced to surrender and submit to the Muslim rule and accept to pay tribute. Thus, the verse refers to the complete submission of the non-Muslims to the Muslim rule, which is of course inherent in the conquest of their country by the Muslim troops. That the non-Muslims should be humiliated at the time of payment of Jizyah every time, is a misconceived and incorrect interpretation of this verse. It would not be without interest to mention here the views of Imam Shafii. He says that the humiliation referred to in the Quran consists in the submission of the infidels to the Muslim rule and that the non-Muslims should not be admitted into the status of Zimmis except on condition of complete submission.

Muslim scholars and jurists have held the imposition of Jizyah tax on Zimmis by the Islamic state as justified on the following grounds:-

1. In the Islamic State, every adult Muslim citizen is obliged to take up arms for its defence when the state is attacked and the freedom of his faith is imperilled. Participation in Jihad or military service is compulsory for every healthy and adult Muslim in case of foreign

aggression, but it is not so in case of the non-Muslim citizens who do not subscribe to the ideology of Islam and, naturally, cannot be expected to assume such a religious obligation. Since non-Muslims are exempted from the military service, they are required in all fairness, to compensate the Muslim community in sharing of civic burdens.

2. Islamic state guarantees protection to the lives and property of its non-Muslim subjects against internal as well as external danger. Moreover, their religious freedom and all civic rights are also protected. Despite the fact that such non-Muslims had either been defeated in the war or had surrendered, neither they are killed nor any war indemnities are imposed on them. Rather, peace treaties are concluded with them and they are given protection against any aggression. So Jizyah is imposed for this protection.

3. The Muslim citizens of an Islamic state pay Zakat while the non-Muslims are not required to pay it. In this situation, the non-Muslims are naturally expected to contribute to the state exchequer for sharing the financial burdens of the Islamic state.

4. Zakat is paid by every Muslim, male or female, old or minor, sane or insane, provided he possesses wealth at the level of nisab. However, Jizyah is levied only on adult male healthy non-Muslims capable to participate in a war. Women, old men, minors, sick, persons of unsound mind, poor, beggars, priests, etc. are exempted from the payment of Jizyah. Those non-Muslims who join the military service of the Islamic state are also exempted from the payment of Jizyah tax, while the Muslims are not exempt from Zakat even if they discharge the defence duties. Moreover, the rates of Jizyah are much lower as compared to

Zakat because the highest rate of Jizyah is 4 Dinar or 48 Dirhams per person per annum, while the amount of Zakat can be substantial depending on the wealth of the tax payer. For instance, a Zimmi with wealth of one million Dinar would pay Jizyah at 4 Dinar only, while a Muslim possessing that much amount shall pay Zakat at 25 thousand Dinar.

## III- Jizyah and Modern Islamic State

A question arises whether a modern Islamic state should collect Jizyah from its non-Muslim citizens or not. Before we answer this question, let us consider the views of Dr. Hamidullah, an eminent scholar of Islam, on this issue. He says :

"In the beginning of Islam, this tax did not exist in the Muslim State, either in Madinah or elsewhere. It was towards the year 9 H., that the Qur'an ordained it. That it was a question of expediency, and not a matter of dogmatic duty in Islam, is sufficiently shown by the following incidents. It is reported (by Ibn Sa'd on the authority of Zuhri) that at the moment of the death of his son, Ibrahim, the Prophet Muhammaed declared : "Had he survived, I would have exempted all the Copts from the Jizyah, as a mark of esteem for Ibrahim's mother" (who was a Coptic girl). Or again, (cf. Suyuti. Husn al-Muhadarah, ch. Khalij Amir al-Mu'minin), when a non-Muslim Egyptian laid before the Muslim government the project of re-digging the ancient canal from Fustat (Cairo) down to the Red Sea, thus facilitating the maritime transport of the food stuffs of Egypt to Madinah——the famous Nahr Amir al-Mu'minin——the caliph 'Umar rewarded him by exempting him from Jizyah during his whole life. There are jurists who opine that one should also take into consideration the international repercussions affecting Muslim interests, in view of the fact that Islam has penetrated the entire world, and there are

millions of Muslims inhabiting countries which are under non-Muslim domination; and the Jizyah, if levied on Christians, Jews, Hindus and others in the Islamic territory would inevitably produce a reaction on Muslims among Christians and other countries".

According to the Qur'an and also according to the practice of the Prophet and right-guided caliphs, Jizyah was collected from the non-Muslims when they had been defeated in the battlefield or when they had completely submitted to the Muslim rule because of fear of imminent defeat. No modern Muslim state can claim of having conquered its non-Muslim minorities. The non-Muslim minorities in a modern Islamic state have somehow come to live with the Muslims. Therefore, imposition of Jizyah on non-Muslim minorities is not obligatory under Islamic law. Moreover, the yield from Jizyah would be too little in monetary terms, but its repercussions on the Muslim minorities living in non-Muslim lands may be considerable. Instead of Jizyah, it would be more advisable to levy wealth tax on the non-Muslim as well as Muslim citizens of the Islamic state. However, the Muslim citizens should be exempted from wealth tax in respect of those assets on which Zakat has been paid by them.

# CHAPTER 10

# SLAVERY

We have already mentioned that those captives of war who are not released gratis or on ransom are distributed by the supreme commander among the Muslims and thus they are made slaves. Although the institution of slavery stands legally abolished and does not exist in the world of today, yet it is being discussed as the institution is deeply connected with Jihad and the failure of the Muslims to abolish legally has brought very harsh criticism against Islam.

The institution of slavery had been in existence since times immemorial. It was much before the advent of Islam that the institution was well established in the social system of every nation. However, the treatment given to the slaves was inhuman and very cruel. They were considered a mere commodity and not human beings. They were marketable and heritable and like cattle or property they could be disposed of by bequest or will. A slave had no rights whatsoever although he was burdened with cumbersome duties and obligations. They had no legal status and led a life of unmitigated drudgery in the hands of the pitiless masters. They were never fed properly but given provisions just sufficient to keep them alive and fit to do their master's work. While working in the fields they were fettered in heavy chains so that they could not run away. They were often beaten for small mistakes and sometimes even without mistake just for the savage pleasure of their sadist masters. Their masters had absolute right even to kill them or exploit them in any way. They were mercilessly and brutally treated without any right to complain even. Such was the miserable plight in which the slaves were living in Roman Empire, Persia, Egypt, India and everywhere when Islam arrived on

the scene to deliver them from this condition. Al-Islam the most benevolent and humanitarian religion took many practical measures to improve the lot of this down-trodden section of humanity. It wonderfully mitigated their sufferings by encouraging its followers to emancipate the slaves, helping the slaves to purchase their freedom, forbidding enslavement of Muslims, putting and end to the sources which perpetuate slavery, restoring the slaves their human status and dignity, encouraging marriages of slaves and inter-marriages between free Muslims and Muslim slaves, and above all by granting them legal rights.

Today slavery is abolished and the credit for its abolition has been taken by the Western man who promulgated laws during nineteenth century to remove this curse from humanity. The question arises : Why Islam – despite being a champion of slaves emancipation—did not abolish slavery by making a law as it did in case of usury, drinking and gambling? There is no easy answer to this question. The institution of slavery was well-rooted in the social system of every nation of the world at that time. There were many social, psychological and political problems involved with this institution that no legal enactment or social reform could have abolished it at once. It is perhaps due to this fact that Islam did not abolish it by making a law. However, by taking effective and practical measures Islam set a stage for its ultimate abolition. The steps taken during the reign of the Prophet (PBUH) and his immediate successors had brought slavery almost to an end practically if not legally. But the later caliphs and Muslim rulers stopped the process for obvious reasons. Inspite of that the efforts made by Islam to eliminate the curse of slavery from the yoke of humanity through voluntary and evolutionary process did not go waste. The process had been set in motion and so slavery was abolished legally in nineteenth century though it was not the Muslim but the Western man who did this noble act.

Now let us discuss in brief the rights granted by Islam to the slaves and the measures taken by this great religion for ultimate abolition of the institution of slavery through evolutionary process.

## I. Injunctions of the Qur'an

Some of the verses of the Holy Qur'an which directly refer to the rights of slaves and the treatment which is to be given to them are reproduced as under :-

1. It is not righteousness that ye turn your faces to the East and the West; but righteous is he who believeth in Allah and the Last Day and the Angels and the Scripture and the Prophets; and giveth his wealth, for love of Him, to kinsfolk and to orphans and the needy and the wayfarer and to those who ask, and setteth slaves free; and observeth proper worship and payeth the poor-due, and those who keep their treaty when they make one, and the patient in tribulation and adversity and time of stress, such are they who are sincere. Such are the God-fearing.
——(2:Al-Baqarah : 177)

2. Wed not idolatresses till they believe; for lo! a believing bondwoman is better than an idolatress though she please you; and give not your daughters in marriage to idolaters till they believe, for lo! a believing slave is better than an idolater though he please you…… ——(2:Al-Baqarah : 221)

3. And whoso is not able to afford to marry free, believing women, let them marry from the believing maids whom your right hands possess. Allah knoweth best (concerning) your faith. Ye (proceed) one from another; so wed them by permission of their folk, and

give unto them their portions in kindness, ……
——(4:An-Nisa:25)

4. And serve Allah and ascribe nothing as partner unto Him. (Show) kindness unto parents, and unto near kindred, and orphans, and the needy, and unto the neighbour who is of kin (unto you) and the fellow – traveller and the wayfarer and (the slaves) whom your right hands possess. ——(4:An-Nisa:36)

5. It is not for a believer to kill a believer unless (it be) by mistake. He who hath killed a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain, unless they remit it as a charity. If he (the victim) be of a people hostile unto you, and he is a believer, then (the penance is) to set free a believing slave. And if he cometh of a folk between whom and you there is a covenant, then the blood-money must be paid unto his folk and (also) a believing slave must be set free. And whoso hath not the wherewithal must fast two consecutive months. A penance from Allah. Allah is Knower, Wise.
——(4:An-Nisa:92)

6. Allah will not take you to task for that which is unintentional in your oaths, but He will take you to task for the oaths which ye swear in earnest. The expiation thereof is the feeding of ten of the needy with the average of that wherewith ye feed your own folk, or the clothing of them, or the liberation of a slave, and for him who findeth not (the wherewithal to do so) then a three day's fast. This is the expiation of your oaths when ye have sworn; and keep your oaths. Thus Allah expoundeth unto you His revelations in order that ye may give thanks.
——(5:Al-Ma'idah:89)

7. The alms are only for the poor and the needy, and those who collect them, and those whose hearts are to be reconciled and to free the captives and the debtors, and for the cause of Allah, and (for) the wayfarers; a duty imposed by Allah. Allah is knower, Wise. ——(9:Al-Taubah:60)

8. And marry such of you as are solitary and the pious of your slaves and maid-servants. If they be poor, Allah will enrich them of His bounty. Allah is of ample means, Aware. ——(24:An-Nur:32)

9. And such of your slaves as seek a writing (of emancipation), write if for them if ye are aware of ought of good in them, and bestow upon them of the wealth of Allah which He hath bestowed upon you. ——(24:An-Nur:33)

10. Force not your slave-girls to whoredom that ye may seek enjoyment of the life of the world, if they would preserve their chastity. And if one force them, then (unto them), after their compulsion, Lo! Allah will be Forgiving, Merciful. ——(24:An-Nur:33)

11. But he hath not attempted the Ascent-
Ah, what will convey unto thee what the Ascent is! -
(It is) to free a slave.
And to feed in the day of hunger,
An orphan near of kin,
Or some poor wretch in misery.
——(90:Al-Balad:11-16)

## II. Traditions of the Prophet of Islam

Rights of the slaves and the duties of their masters towards them have been stressed by the Prophet of Islam in his following traditions:-

1. Abdullah-b-Umar reported that a man came to the Holy Prophet and said: O Messenger of Allah! How many times shall we pardon a servant? He remained silent. Then he asked the question to him again, but he remained silent. Then it was asked for the third time, he replied: Pardon him 70 times every day. ——(Abu Daud, Tirmizi)

2. Abu Zarr reported that the Messenger of Allah said: Your brethren-Allah has placed them under your hands; whosoever's brother Allah has placed under his hand, let him feed him out of what he himself eats, let him clothe him out of what he clothes himself with; and let him not be entrusted with a work which will overcome him. If he entrusts him with what will overcome him, let him assist him therein.——(Bukhari and Muslim)

3. Abu Hurairah reported: I heard the father of Qasem say: Whoever imputes foul accusation to his slave while he is innocent of what he is charged with, will be whipped on the Resurrection Day unless he commits what he imputed. ——(Bukhari and Muslim)

4. Ibn Umar reported: I heard the Messenger of Allah say: Whoso scourges his slave for an ordained crime which he did not commit or slaps him, then his expiation is to emancipate him. ——(Muslim)

5. Abu Masud al-Ansari reported: I was assaulting my slave when I heard a voice from behind me: Know, O Abu Masu'd! Allah is powerful over you more than what you have got over him. Then I looked when lo! he was the Messenger of Allah. I said: O Messenger of Allah! He is free for the sake of Allah. He said: Beware! Had you not done it, the Fire would surely

have burnt you, or the Fire would have touched you. ——(Muslim)

6. Rafe-b-Makis reported that the Messenger of Allah said: Good treatment with persons under control brings fortunes, and bad treatment with creation misfortunes. ——(Abu Daud)

7. Abu Zarr reported that the Messenger of Allah said: Whosoever from your slaves obeys you, give him food out of what you yourselves eat, clothe him out of what you yourselves clothe. And whoso among them does not obey you, sell him and do not inflict punishment on the creation of Allah. ——(Bukhari and Muslim)

8. Abu Hurairah reported that the Messenger of Allah said: There are three (persons) whose help is a duty on Allah; a covenanted slave who intends to pay, a married man who wishes to pay dower and one who fights in the way of Allah. ——(Tirmizi, Nisai)

9. Abu Hurairah reported that the Holy Prophet said: Shall I not inform you of the worst of you! - One who eats alone, scourges his servant and refuses him help. (Razin)

10. Abu Hurairah reported that the messenger of Allah said: A slave shall get his food and clothing and shall not be troubled with work but what he is capable of. (Muslim)

11. Ali reported that he had made separation between a slave-girl and her child. The Holy Prophet prevented him from that. Then he cancelled the transaction. (Abu Daud)

12. Abu Bakr siddiq reported that the messenger of Allah said: One who treats badly with those under authority shall not enter Paradise. They enquired: O Messenger of Allah! Have you not informed us that this people will certainly be the foremost of the peoples in respect of slaves and orphans? 'Yes, replied he, 'so honour them as you honour your children, and give them food out of what you yourselves eat….. (Ibn Majah)

13. Abu Musa al-Ash'ari reported that the Messenger of Allah said: A man with whom there is a slave-girl, who teaches her manners and then makes her manners good; who gives her education and imparts it well, and who then emancipates her and afterwards takes her in marriage-there are double rewards for him. (Bukhari, Muslim)

14. Abu Hurairah reported that messenger of Allah said: The Almighty Allah said: There will be three persons whose opponent I shall become on the Resurrection Day: A man who gave a promise in my name and then broke trust, and a man who sold a free man and enjoyed his price, and a man who engaged a labourer and enjoyed full labour from him but did not pay him his wages. (Bukhari)

15. Abu Hurairah reported that the Apostle of Allah said: whoever sets free the neck of a Muslim, Allah will redeem from the fire a limb in exchange of every limb. (Bukhari, Muslim)

16. Abu Zarr reported: I asked the Apostle of Allah: which action is best! He said: Faith in Allah and Jihad in the way of Allah. I asked: which neck is best (for emancipation). He said: That which is dearest of them in price and most valuable of them near its master. (Bukhari, Muslim)

17. Samorah-b-Jundab reported that the Prophet said: The best charity is an intercession wherewith a slave is set free. (Baihaqi)

Having glanced through the verses of the Holy Qur'an and Traditions of the Prophet of Islam , we shall now discuss the kind and humane treatment given to the slaves and the steps taken for their emancipation by Islam.

## III- Kind Treatment To the Slaves

1. First thing which Islam did regarding the slaves was that their lost status and dignity as human beings was restored to them. Common descent of the human beings was emphasised by the Qur'an, the revealed book of Islam, which declared: "Ye (proceed) one from another…." (4:25). Common parentage of all humankind was mentioned by the Qur'an when it said: " O Mankind! Be careful of your duty to your Lord who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women….." (4:1). The Prophet of Islam, in his famous Sermon delivered during the Farewell pilgrimage, announced: "You are all children of Adam and Adam was created from dust…." Thus Islam treats all the human beings as equal since they have common parents and they come from the same human stock. There is no distinction between Arab and non-Arab, between white and black, between master and slave, and between rich and poor in Islam.

   The Qur'an calls the believers as brothers of each other (49:10), while the prophet of Islam declared that one Muslim is brother of another Muslim. About the slaves, prophet Muhammad (PBUH) enjoined upon his followers: "Your brethren Allah has placed them

under your hands….. So feed them out of what you eat and clothe them with what you clothe yourselves."

Islam permitted marriages between masters and slaves and the prophet of Islam, as a mark of respect for the feelings of the slaves, commanded his companions: "Don't say: This is my slave and this is my slave-girl: rather say: This is my man and this is my maiden." Prophet (PBUH) married his cousin Zainab to his freed slave Zaid and appointed son of Zaid to command an army which included great companions like Abu Bakr, Umar and Ali.

Thus Islam not only raised the status of the slaves to the level of human beings but also exalted them to the position of leaders, military commanders and nobles. A common bond of Islamic brotherhood was established between them and their masters. Umar the second caliph of Islam declared: "Had Salim, the slave of Abi Huzaifa been alive, I would have appointed him my successor."

2. The Qur'an enjoins upon the believers to show kindness to the slaves. The Prophet (PBUH) has given instructions to his followers that they should treat the slaves like their own children and should give them food out of what they eat. The Muslims should consider the slaves like brothers. The slaves must be provided food, clothes and residential place. They should not be entrusted with a work which they are unable to do. If the assignment is difficult, the master should assist the slave. The Prophet declared that the worst of the men is he who beats his slave and does not help him in performing a difficult task. If a slave makes mistakes, he should be pardoned as many as seventhly times a day. In case he disobeys, he may be sold but no punishment should be inflicted on him.

False allegations should not be made against an innocent slave. One who treats a slave badly will not enter paradise. The families of the slaves should not be separated from them.

3. Marriages between free Muslims and believing slaves have been permitted. The Qur'an has rather exhorted the Muslims to prefer the believing slaves over the idolaters and non-believers who are free and who may be wealthy and good looking. It says: "Wed no idolatresses till they believe, for lo! a believing bondwoman is better than an idolatress though she please you; and give not your daughters in marriage to idolaters till they believe, for lo! a believing slave is better than an idolater though he please you….." (2:221). Those Muslims who could not afford to marry free believing women were encouraged to marry believing maids. The Qur'an says: "And whoso is not able to afford to marry free believing women, let them marry from the believing maids whom your right hands possess……" (4:25)

   Slaves were not allowed to marry according to prevalent custom, as the owners would be partly deprived of their service on account of the preoccupation of the slaves with their families. However, Islam abolished such restrictions. The Qur'an says: "And marry such of you as are solitary and the pious of your slaves and maid servants……" (24:32). Thus the Qur'an has enjoined upon the believers not only to permit those male and female slaves who are capable of assuming the responsibilities of marriage to marry but also to make arrangements for such marriages.

4. Besides granting them human status and ensuring them benevolent treatment, Islam gave the slaves

many legal rights. In Islam the slaves enjoy the same rights to life, honour and property as the free Muslims have. The Prophet of Islam declared: "He who kills his slave, we shall kill him; who multilates his nose, we shall cut his nose; and who gelds our slave, we shall get him gelded in return".

According to the criminal law of Islam, anyone who kills a slave, steals his property, dishonours him or inflicts any injury on him, will be punished in the same way as the slave or any other free man would be punished for committing the same offences. Similarly civil law of Islam recognises their right to own property and even their masters have no right to use their property without their will.

5. The slaves in Islam enjoyed ranks and positions unparalleled in the history of man. The first Muazzen in Islam was Bilal, a Negro slave. He was a close companion of the Prophet (PBUH) and was appointed commander of an army. Zaid, who was a freed slave of the Prophet (PBUH) was married to Zainab, a cousin of the Prophet. The prophet himself appointed Zaid as commander of an army in the Muta expedition. The Prophet also appointed Usama, son of Zaid, as commander of a Muslim army which included the great companions of the Prophet (PBUH) like Abu Bakr, Umar, Ali and Uthman. Salman Farsi was slave and Ali said about him that "he was one of our household (family member)".

Subaketgin, founder of Ghaznavid dynasty of rulers and father of famous king and conqueror of India Mahmood of Ghazna, was a slave. Qutb-ud-Din, Iltutmash and Balban were famous sultans of slave dynasty of India. The Mamluks ruled over Egypt for

centuries and their name suggests that they were all slaves.

Besides distinguishing themselves in politics, statecraft and military, the slaves also distinguished in learning, knowledge and piety. Zain-ul-Abidin was son of a slave-girl (though a former princess of Persia) whom Imam Hussain had married. Jurists and Muhaddith like Salim-b-Abdullah, Qasim-b-Muhammad, Muhammad-b-Sairin, Nafiy, Ikramah, Muhammad bin Ishaq, etc. were either slaves or descendants of slaves.

## IV- Steps for Abolition of Slavery

1. For freedom of slaves, Islam adopted two measures: Voluntary emancipation by the masters (called al-Itq) and writing of their freedom (called Mukatabah). These are discussed in detail as under:-

   Islam motivated voluntary manumission of slaves by positive injunctions. According to the Qur'an, to set a slave free is no doubt an uphill task save for those who are the righteous. In the sight of the Qur'an one of the virtues of the righteous and pious is that they free the slaves. Freeing of slaves has been made by the Qur'an an expiation for certain sins and offences like murder, breaking of oath, divorce by Zihar, etc. Some rules and regulations have been laid down by the Quran and Hadith for atonement of certain sins and religious irregularities through emancipation of slaves. Beating of a slave is a great sin and it can only be atoned by setting that slave free. Liberating of slaves is one of the eight heads of expenditure on which Zakat funds can be spent by an Islamic state.

Slaves have been encouraged by Islam to purchase their freedom from their masters. If a slave shows interest to purchase his freedom and proposes to execute deed of emancipation, the offer cannot be rejected by his master according to the opinion of some leading Muslim jurists. The master has to accept the offer though the amount of consideration can be settled by mutual negotiations. Once the amount is settled, the owner would not only provide the time to the slave enabling him to earn the stipulated amount but he is also expected to show magnanimity in reducing or remitting the amount. Other Muslims and Islamic state are also expected to help such slaves who have entered into agreements of emancipation. According to the Holy Prophet (PBUH), Allah considers it His duty to help a covenanted slave who intends to pay for his freedom.

Islam considers it a great act of piety to free a slave or help him in getting his freedom. There are many verses in the Qur'an and Ahadith of the Prophet (PBUH) which encourage the believers to free their slaves for the pleasure of Allah. Manumission of slaves is an act which takes its doer to Paradise. The more expensive and loved a slave is, the greater would be the goodness and virtue in setting him free. Whoever frees a Muslim slave, it becomes his redemption in protecting him from Hell. One who has a slave girl and who teaches her manners, frees her and then marries her would receive double rewards from the Almighty. The Prophet (PBUH) declared that nothing is more dearer to Allah than manumission of slaves. The Prophet also said that even pleading for manumission brings reward.

Inspired by the teachings of the Qur'an and the Prophet of Islam, Muslims vied with each other in

liberating as many slaves as they could. Prophet Muhammad (peace be upon him) himself liberated as many as 63 slaves. His companion Abu Bakr liberated more than 100 slaves. Prophet's wife Ayesha liberated 67, Abbas liberated 70, Abdullah bin Umar liberated one thousand slaves. Slaves were purchased and liberated by the early Muslims as an act of worship. The result was that by the end of the period of pious caliphate, almost all the old slaves of Arabia had been freed.

2. Islam tried to put an end to all those sources whence slavery sprang up. Let us see to what extent it was successful. There were two sources of perpetuating slavery, namely: capture of free men, women and children in peace times and their sale in markets; and prisoners who were taken in a war and later on made slaves.

   Islam brought an end to both the sources. So far as the first source of giving birth to slavery is concerned, Islam has strictly forbidden and condemned catching free people and making them slaves. According to a Hadith, the Prophet of Islam is reported to have said that Allah would be an opponent of three persons on the Day of Resurrection, one of them being a person who sold a free man and enjoyed his price.

   The Qur'an says: It is not for any Prophet to have captives until he hath made slaughter in the land……"(8:67). This means that no person may be taken or for any time retained as captive unless he was taken prisoner in a jihad. Thus acquisition of a slave by "peaceful" means, and the keeping of a slave thus acquired, is entirely prohibited, which, as Muhammad Asad understands, amounts to prohibition of slavery as a social institution.

Regarding the second source i.e. the captives taken in a war, though Islam permits to make them slaves, yet the most preferred and recommended course of action about them is that they should be freed either by grace or against a ransom. The Qur'an says: "Now when ye meet in battle those who disbelieve, then it is smiting of the necks until, when ye have routed them, then make fast of bonds; and afterward either grace or ransom till the war lay down its burden……" (47:4). This means that the Muslims, when they meet the disbelievers in a battle, should first of all crush the enemy and defeat them completely, and afterwards they may take prisoners. But even such prisoners of war may be freed either with grace (without consideration) or with ransom (with consideration such as money or exchange of prisoners with the enemy or for some service from the prisoners). The verse reproduced above also lays down that it is only in a battle with the disbelievers that the captives can be taken and not in a battle with the Muslims. It means that if there is a battle between the Muslims (God forbid), the Muslims would not be taking the defeated Muslims as prisoners and making them slaves. That is why the Prophet of Islam is reported to have said that no Muslim can be made slave.

During the reign of the Prophet (PBUH), seventy-eight expeditions were organised against the enemies of Islam and only in very few of them prisoners were taken. In most of the cases the prisoners were set free gracefully without any consideration and in very few cases ransom was accepted. This example of the Prophet (PBUH) was followed by his immediate successors known in history as the rightly guided caliphs. During their reign many new countries were conquered but no prisoners of war were taken.

The Prophet of Islam is also reported to have said that no Arab can be made a slave and this principle was later on extended during the reign of caliph Umar to all the inhabitants of conquered countries.

3. One of the major factors which promoted slavery and encouraged the trade in slave-girls was that the slave-girls were used for prostitution. Even the rich persons enjoying high status in society did not feel any shame in earning income through prostitution. It is reported that rich man like Abdullah-bin-Ubbey who was a tribal chief (and a hypocrite) had purchased some slave-girls whom he forced to earn for him as prostitutes. Islam abolished this evil custom. The Qur'an says: "Force not your slave-girls to whoredom that ye may seek enjoyment of the life of the world……" (24:33). In addition to that Islam prohibited fornication and adultery in all forms. Adultery was declared a major sin and punishable crime. The Qur'an says: "And come not near unto adultery. Lo! it is an abomination and an evil way" (17:32). Very severe punishment was prescribed for those who indulge in this crime. Hudd or prescribed punishment for adultery has been ordained by the revealed book of Islam in its verse No.2 of Chapter No.24 as follows: "The adulterer and the adulteress, scourge, ye each one of them (with) a hundred stripes. And let not pity for the twain withhold you from obedience to Allah……" (Al-Qur'an 24:2). Thus by abolition of prostitution and banning adultery in any form, Islam removed one of the prime reasons which encouraged purchase and sale of slave-girls.

## V- Status of Bondwomen

Although the foregoing discussion made in this chapter relates both to the male and female slaves equally, yet we feel inclined to dilate a little more on the institution

of bondwomen and slave-girls separately because the existence of this institution in Islam has not only instigated criticism from the enemies of Islam but also the institution has been misused by the licentious and lustful Muslims among the ruling and wealthy classes during the imperial era of Islam.

Bondwomen or slave girls are those non-Muslim females who fall prisoners of war in the hands of the Muslim troops. Their marriage ties, in case they are married, are broken by the fact that they have come into the Islamic Zone while their husbands have been left behind in war zone (Dar-ul-Harb). It is lawful to marry such women and it is also lawful for those, in whose possession they are, to have sexual relations with them without entering into a formal marriage contract.

Syed Abdul 'Ala Maududi, a great scholar and jurist of Islam, has explained the Islamic law about the slave-girls as follows:

1. It is not lawful for a soldier to have conjugal relations with a prisoner of war as soon as she falls into his hands. The Islamic Law requires that all such women should be handed over to the government, which has the right to set them free or to exchange them with the Muslim prisoners in the hands of the enemy or distribute them among the soldiers. It is lawful for a soldier to cohabit only with that woman who has been formally given to him by the government.

2. Even then, he shall have to wait for one monthly course before he can cohabit with her in order to ensure whether she is pregnant or not; otherwise it shall be unlawful to cohabit with her before delivery.

3. It does not matter whether the female prisoner of war belongs to the people of the Book or not. Whatever her religion, she becomes lawful for the man to whom she has been given.

4. None but the one whom the slave girl is given has the right to "touch her". The offspring of such a woman from his seed shall be his lawful children and shall have the same legal rights as are given by the Divine Law to children from one's loins. After the birth of a child she cannot be sold as a slave girl and shall automatically become free after her master's death.

5. If the master marries his slave girl with another man, he forfeits his conjugal rights over her, but retains other rights such as service from her.

6. The maximum limit of four has not been prescribed for slave girls as in the case of wives for the simple reason that the number of female prisoners of war is unpredictable. The lack of limit does by no means provide a license for the well-to-do people to buy any number of slave girls for licentious purposes.

7. The proprietary rights over a slave male or female as given to a person by the government are transferable like all other legal proprietary rights.

8. The handing over of the proprietary rights over a slave girl to a man formally by the government makes her as much lawful for him as the giving of the hand of a free woman to a man by her parents or guardian by means of nikah (marriage ceremony). Therefore there is no reason why a man who does not hold marriage in detestation should hold sexual intercourse with a slave girl in detestation.

9. When once the government hands over the female prisoner of war to some one, it has no right whatever to take her back from him, just as the parent or guardian has no right after the woman is handed over to a man through nikah.

10. It should also be noted well that if a military commander temporarily distributes female prisoners of war among the soldiers for sexual purposes, or permits them to have sexual relations for the time being, such an act shall be unlawful and there is absolutely no difference between this and fornication, and fornication is a crime according to the Islamic code.

    Contrary to the above view, some scholars hold that cohabitation with bond women and slave-girls without marriage is unlawful. Muhammajd Asad, who is one of such thinkers, while commenting on verse 3 of Surah 4 in his book "The Message of the Qur'an" writes that condition of having maximum four wives is applicable in the case of free women as well as slave-girls. According to him. "Contrary to the popular view and the practice of many Muslims in the past centuries, neither the Qur'an nor the life-example of the Prophet provides any sanction for sexual intercourse without marriage". Yet at another place, while commenting on verse 25 of surah 4, he says: "This passage lays down in an unequivocal manner that sexual relations with female slaves are permitted only on the basis of marriage, and that in this respect there is no difference between them and free women, consequently, concubinage is ruled out".

# CHAPTER 11

# ISLAM'S CONCEPT OF INTERNATIONAL RELATIONS

Deeply connected with Jihad is the concept of international relations as the questions of war and peace, aggression and defence, enmity and friendship all are dependent on policy and perception which an Islamic state follows in its relations with other nations. In this chapter, therefore, we propose to discuss Islam's concept of international relations and the foreign policy followed by the Islamic state.

## I- Basic Principles

Basic principles of Islam's concept of international relations as laid down by the jurists or in other words the fundamental principles of policy which guide the relations of an Islamic state with other countries are :

1. **Promotion of Peace and Security:** As the very word implies, Islam means 'peace' and 'security'. It also means 'submission' to Allah and hence salvation. Islam is thus, a religion of peace and, no wonder the basic principle of the Islamic state in its relations with foreign countries is 'peace with all and war against none' or, in other words, 'friendship towards all and malice towards none'. Al-Qur'an, the revealed book of Islam, does not allow an aggressive war, it allows to take up arms only as a last resort in self-defence. The Qur'an enjoins upon its followers: "Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors". (2:190). History of Islam is witness to the fact that

Prophet Muhammad (PBUH) and his companions resorted to fight only when they had been wronged, persecuted and even expelled from their homes by the enemies of Islam. The Qur'an mentions this fact when it says: "Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory" (22:39). Although Islam, like any other religion or ideology, wants its propagation with the view to bring to its fold as many adherents as possible, but this is achieved through peaceful preaching and not through aggressive means. Thus, the religion of peace does not allow war for its preaching as well. The Qur'an says: "There is no compulsion in religion"……(2:256). At another place, it exhorts the Prophet of Islam to say to disbelievers"……Unto you your religion, and unto me my religion". (109:6).

2. **Promotion of Brotherhood and Fraternity:** Islam believes in the brotherhood of human beings and al-Qur'an emphasises common ancestry of man. There is no denial of the fact that all human beings belong to the common stock as they come of the same parents Adam and Eve. The Qur'an brings into focus this fact of common parentage and hence brotherhood in its following verses:

   i) O mankind! Be careful of your duty to your Lord Who created you from a single soul and from it created its mate and from them twain hath spread abroad a multitude of men and women……" ——(4:1)

   ii) And He it is Who hath produced you from a single being, and (hath given you) a habitation and a repository…… ——(6:98)

Since human beings belong to the same human stock and have common ancestry, all of them are like brothers and sisters. Like children of the same parents, they are equal having equal rights and duties to each other. Thus, Islam promotes universal brotherhood and fraternity not only among the individual human beings but also among the peoples and nations. Hence the second fundamental principle of the foreign policy of the Islamic state is to promote brotherhood and fraternity among the nations of the world.

Akin to the principle of brotherhood is the principle of equality as the fact of common parentage of all the human beings leads to establish that human beings are not only brothers of each other but also are equal to each other.

The Prophet of Islam, in his famous address delivered before a large gathering on the occasion of his farewell pilgrimage, had declared that all human beings are sons of Adam and Adam was created out of clay. No white one has superiority over a black one nor an Arab over a non-Arab. All are equal and in the sight of Allah he is best one who is most excellent in conduct.

This principle of equality of all nations and no discrimination between them on any prejudice is strictly followed by the Islamic state in its foreign policy.

3. **Establishment of Justice and Equity:** Islam emphasises justice and equity among the human beings. Dispensation and establishment of justice in human dealings is its fundamental objective. The Qur'an exhorts its followers: "Lo! Allah enjoineth justice and kindness….."(16:90). Fair play and justice

is to be administered among all human beings without any fear or favour. The Qur'an stresses this principle when it lays down: O ye who believe! Be ye staunch in justice, witnesses for Allah, even though it be against yourselves or your parents or your kindred, whether (the case be of) a rich man or a poor man, for Allah is nearer unto both……" (4:135). This rule of justice and fair dealings would not only govern the relations of one individual with the other but would also govern the relations of one state with the other. Thus, one of the most important principles of the foreign policy of the Islamic state would be to promote the cause of justice in international affairs and establish justice in its relations with the foreign states. The Qur'an, clearly hints at this principle when it states: "" ye who believe! Be steadfast witness for Allah in equity, and let not hatred of any people seduce you that ye deal not justly. Deal justly, that is nearer to your duty……" (5:8). Therefore, justice in foreign relations is to be followed, and even hatred or enmity with another state or people can not be a valid cause for an Islamic state to deal unjustly with that state or people.

4. **Promotion of International Co-operation:** The last, but not the least important, fundamental principle of the Islamic state is to cooperate for good, for righteousness, for peace, for justice and fair play; but not to cooperate for sin, for evil and for transgression'. The Holy Qur'an ordains: "……help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression, but keep your duty to Allah. Lo! Allah is severe in punishment"" (5:2). This Qur''nic principle applies not only in individual dealings but also in international human relationships. Acting upon this guideline of Islam, the Islamic state would extend its cooperation to all those

countries who are working for international peace and security; who are fighting evil, ignorance, poverty and disease, and who are promoting the well-being and betterment of humanity. However, no cooperation would be extended to tyrants, aggressors, and disturbers of peace and security, persecutors of minorities and violators of human rights.

Comparing the Islamic concept of international relations with that of other medieval civilizations a prominent Muslim scholar Dr. Hamidullah writes:

"The basic principle of the system of international relations in Islam, in the words of jurists, is that "the Muslims and non-Muslims are equal (Sawa') in respect of the sufferings of this world". In ancient times, the Greeks, for instance, had the conception that there was an international law which regulated the relations amongst only the Greek city-states; as for the Barbarians, i.e., non-Greeks, nature had intended them, as was said by Aristotle, to be the slaves of the Greeks. Therefore, it was an arbitrary conduct, and no law, which was the rule with the notion of untouchability rendered the fate of the defeated still more precarious. The Romans recognized a few rights in respect of foreign friends; yet for the rest of the world there was nothing but discretion and arbitrary rule, changing with the whims and fancies of individual commanders and ages. The Jewish law asserted (cf. Numbers, 31/8-9, 17-18). Deuteronomy 20/16, I Samuel 15/3) that God had ordained the extermination of the Amalecites ('Amaliqah, Arab inhabitants of Palestine); and that the rest of the world might be allowed to live on payment of tribute to and as servants of the Jews. Until 1856, the Westerners reserved the application of international law to Christian peoples; and since then they have

made a distinction between the civilized and non-civilized peoples, the latter having still no rights. In the history of international law, Muslims have been the first and so far also the only to admit the right of foreigners without any discrimination or reserve both during war and peace".

## II- Relations of Islamic State With Foreign Countries

Muslims political thinkers divide the world into three types of countries or lands: (1) Dar-ul-Islam (Muslim lands); (2) Dar-ul-Sulh (lands or countries having peace with Muslim lands) and (3) Dar-ul-Harb (countries at war with Muslim countries).

Dar-ul-Islam comprises Muslim country or countries where Muslims are brothers of each other and, therefore, friendly relations exist between them. Dar-ul-Sulh are generally those non-Muslim countries with which the Islamic state has got treaty relations and hence the relations with such countries are governed by the terms of the treaty. Dar-ul-Harb are those countries which have no treaty relations with the Islamic state. Relations with such countries would normally depend on their attitude towards their Muslim minorities and towards the Muslim state.

The concept of Islamic country, hostile country and allied country vividly appears from the verse 92 of chapter 4 of the Holy Qur'an which prescribes punishment for the offence of murder. It reads :

"It is not for a believer to kill a believer unless (it be) by mistake. He who hath killed a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain, unless they remit it

as a charity. If he (the victim) be of a people hostile unto you, and he is a believer, then (the penance is) to set free a believing slave. And if he cometh of a folk between whom and you there is a covenant, then the blood-money must be paid unto his folk and also a believing slave must be set free……..” (4:92)

Thus the above mentioned verse clearly refers to three types of regions or people. If the murdered believer has been killed by mistake by a believer, of course in Islamic region, then the murderer will free a believing slave and would pay blood-money to the family of the murdered. If the murdered hails from the hostile country or hostile nation, then the penalty would be to set free a believing slave. And if the murdered comes from an allied nation or country with which Islamic state has treaty relationship, then blood-money would be paid to that nation and a believing slave would be set free. This verse, in a way, approves the division of the world into above mentioned three categories made by the Islamic Jurists.

The Islamic state normally classifies its relations with the foreign countries into following three categories:

1. Relations with Muslim countries.

2. Relations with non-Muslim countries allied by treaties.

3. Relations with non-Muslim countries not allied by any treaty.

Let us discuss now in detail the relations of the Islamic state with foreign countries of each of the above category.

1. **Relations with Muslim Countries:** All Muslims, wherever they live, are one community and are brothers-in-faith. They form one brotherhood bound by the ties of common religion and no geographical boundaries or an other artificial barriers can separate one brother from the other. Islam has established on very strong footing the solidarity and fraternity among all the Muslims and has abolished all the distinctions on the basis of race, colour, language, blood or nationality. The concept of Islamic brotherhood makes all the Muslims men and women, to whatever nation, race, colour, rank or status they may belong, equal in rights and obligations.

   Al-Qur'an, the revealed book of Islam, in many of its verses, has directly or indirectly preached the concept of brotherhood and fraternity among the believers. In one of its Verses the Qur'an says: "The believers are naught else than brothers….." (49 : 10). In another verse, the Holy Book of Islam calls the believers as protecting friends of each other (8 : 72). Unity and solidarity among the Muslims has been stressed by the Holy Qur'an in these words: "And hold fast, all of you together, to the cable of Allah, and don't separate…." (3 : 103). Prophet Muhammad (PBUH) has also emphasised, in many of his Ahadith and on various occasions, the fact of Muslim brotherhood and unity. In his famous sermon delivered on the occasion of Farewell Pilgrimage in 10th A.H., the Prophet (PBUH) announced: "You must know that a Muslim is the brother of the Muslim and they form one brotherhood. Nothing of his brother is lawful for a Muslim except what he himself allows willingly. So, you should not oppress one another….." In a Hadith reported in Sahih Muslim on the authority of Abu Hurairah, the Messenger of Allah said: "A Muslim is brother to a Muslim. He does neither wrong him, nor puts him to

disgrace, nor he hates him…. . Every Muslim's blood, property and hounor are sacred to another Muslim."

The above-mentioned teachings of the Qur'an and the Sunnah are not only applicable to the Muslims at individual level but are also applicable to the Muslim countries at international level. A Muslim country, therefore, would regard other Muslim countries as brothers and would extend every sort of help to his brothers in every field of life such as defence, economic development, education, finance, social sector, etc. The Islamic state would live in peace with the other Islamic state or states and would resolve its differences peacefully with her Muslim bothers through mutual negotiations or through arbitration. If there is war or any dispute between two brotherly Muslim countries, it is the bounden duty of the other Muslim countries to arrange reconciliation and peace between the two. But if the aggressor among the fighting two is not ready to reconcile, the other Muslim countries would help the one wronged by the aggressor till the aggressor is forced to come to terms. The Qur'an in very clear words pronounces on this issue: "If two parties of believers fall to them does wrong to the other, fight that which does wrong until it returns to the Law of Allah; then, if it returns, make peace between them justly and act equitably. Verily! Allah loves the just. The believers are but brothers. Therefore, make peace between brethren and fear Allah, that you may receive Mercy." ——(49 : 9-10)

2. **Relations With Non-Muslim Allied Countries:** Relations between the Islamic state and a non-Muslim allied state (Mu'ahid) would be governed strictly in accordance with the terms of treaty or alliance or pact executed between them. Terms of the agreement would be fulfilled in all circumstances and at all cost by

the Islamic state and all the rights and obligations flowing from the treaty relationship would be duly honoured. However, if the other party to the treaty is not fulfilling its terms or is openly violating the agreed conditions, the Islamic state would be at liberty to overthrow the treaty after issuing a warning to that party. Otherwise much emphasis has been laid by Islam on the sanctity of a pact as the violation of promise or pledge is a great sin liable for severe punishment. The Qur'an says: "How can there be a treaty with Allah and with His messenger for the idolaters save those with whom ye made a treaty at the inviolable place of Worship? So long as they are true to you, be true to them. Lo! Allah loveth those who keep their duty." (9 :7). At another place the Qur'an ordains: "And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief……." ——(9 : 12)

On some occasions the treaty relationship with a non-Muslim state may even override the ties of Muslim brotherhood. For example, it is the duty of an Islamic state to help the Muslims who are living in another state and are being oppressed and persecuted there, provided they seek such support. However, such help cannot be rendered to those Muslims who are living in a state with which the Islamic state has treaty relations. The Qur'an is very explicit on this point. It says: "….. but if they (Muslims) seek help from you in the matter of religion, then it is your duty to help them except against a folk between whom and you there is treaty…." (8 : 72). According to another verse of the Qur'an, blood-money has to be paid for the killing by mistake of a believer living in a non-Muslim country with which the Islamic state has a treaty. The Qur'an says on this point: "….. And if he (the murdered one) cometh of a folk between whom and you there is a

covenant, then the blood money be paid unto his folk…." ——(4 : 92)

The inhabitant of the non-Muslim allied country (Dar-ul-Sulh or Dar-ul-Aman) is a Mustamin and is eligible for Aman or asylum. The aman may be for ever or for a limited duration; but so long as it lasts, the mustamin's treatment is regulated in strict accordance with terms of the treaty with his country. The mustamins were governed by their own laws, were exempt from taxation and enjoyed other privileges.

3. **Relations With Non-Muslim Countries Without Treaty:** As stated earlier, Islam is a religion of peace and it preaches brotherhood and fraternity, so the relations of an Islamic state with non-Muslim countries would be based on general principle of 'friendship towards all and malice towards none' and 'peace with all and war against none.' Those non-Muslim countries which are not allied with Islamic state through any treaty or covenant need not feel uneasy about the external policy of the Islamic state as the policy of such state is not bases on any aggressive designs. Rather the foreign policy of an Islamic state is based on friendship and cooperation in all matters of common interest. It would cooperate with those countries which are promoting the cause of peace, justice and human welfare. The Qur'an, the revealed book of Islam, enjoins upon its followers: "…. Help ye one another unto righteousness and pious duty. Help not one another unto sin and transgression…." (5 : 2). Acting upon this principle, the Islamic state would extend its cooperation to all the like-minded states who are working in the domain of international peace and security and are also working to achieve human betterment through cooperation in the fields of

economic development, education, science and technology, social services, etc.

Islam enjoins justice and fairness in human dealings. The Islamic state would base its foreign relations with non-aligned non-Muslim countries on the values of justice and equity. However, if such countries maintain attitude of hostility and belligerency, then the Islamic state has also right to pay back in the same coin. The Qur'an is very clear on this point: And one who attacketh you, attack him in like manner as he attacked you……. ——2(194)

The citizen of such country is called Harbi and he is an alien, pure and simple. He cannot enter into an Islamic state without express permission. But once he receives the permission or guarantee of safety from even the poorest Muslim, he is perfectly secure from molestation for the space of one year. On the expiration of that period he is bound to depart.

Syed Ameer Ali, in his monumental work, 'The spirit of Islam' compares Islamic concept of division of world and relations with non-Muslim states with the Christian concept as follows:

"The Moslem casuists, like the Christian jurists and divines, have divided the world into two regions–the Dar-ul-Harb and Dar-ul-Islam, the counterparts of Heathendom and Christendom. An examination, however, of the principles upon which the relations of Moslem states with non-Moslem countries were based, shows a far greater degree of liberality than has been evinced by Christian writers on international law. It is only in recent times, and under stress of circumstances that non-Christian states have been admitted into the "comity of nations." The Moslem

jurists, on the other hand, differentiate between the condition of belligerency and that of peace. The expression, Dar-ul-Harb, thus includes countries with which the Moslems are at war; whilst the states with which they are at peace are the Dar-ul-Aman."

# CHAPTER 12

# TREATIES

Treaties are made between the states or nations sometimes to bring war or hostilities to an end and sometimes to settle terms of peace after the termination of a war. Treaties are even made to resolve certain disputes peacefully to avoid possible wars. Between friendly or like-minded states, treaties are made to form alliances against a common enemy or to keep peace and security in a certain region. These days treaties of mutual cooperation in economic field, trade and commerce, education, science and technology, diplomatic relations, etc. are being made. In this chapter, however, we shall be dealing only with the treaties relating to war and peace.

Islam means 'peace' and it stands for peace. Its followers are always ready to incline towards peace as the Holy Qur'an enjoins upon them: "And if they incline to peace, incline thou also to it, and trust in Allah. Lo! He is the Hearer, the Knower." (8 : 61)

About the nature and terms of treaties and about the procedure and effects of such treaties, no detailed rules have been made in the Holy Qur'an obviously for the reasons that the same are to be made according to the demands of the occasion. In the practice of the Holy Prophet, however, we find a lot of guidance about peace treaties as he himself concluded many treaties with the tribes and nations around him.

Before dilating upon the subject under issue in detail, let us reproduce some verses of the Qur'an and Ahadith of Prophet Muhammad about fulfillment of pledges and treaties.

# I- The Qur'an and the Sunnah on Fulfillment of Promises

Islamic attaches as much importance to treaties, pacts and alliances in international relations as is the importance attached by it to the promises, covenants and pledges in individual and personal human relationships. The Qur'an, the revealed book of Islam, enjoins upon its followers to fulfil their promises and pledges. According to the Qur'an, the fulfillment of a covenant is a great human virtue and the Qur'an showers its admiration very liberally upon those who honour their given word at all costs. The Qur'an says:-

1. Nay, but (the chosen of Allah is) he who fulfilleth his pledge and wardeth off (evil); for lo! Allah loveth those who ward off (evil). ——(3:Al-Imran : 76)

2. Those of them with whom thou maddest a treaty, and then at every opportunity they break their treaty, and they keep not duty to (Allah): ——(3 : Ar-Ra'd : 20)

3. Such as keep the pact of Allah, and break not the covenant. ——(13:Ar-Ra'd : 20)

4. Fulfil the covenant of Allah when ye have covenanted, and break not your oaths after the asseveration of them, and after ye have made Allah surety over you. Lo! Allah knoweth what ye do. ——(16:An-Nahl : 91)

5. Come not near the wealth of the orphan save with that which is better till he comes to strength; and keep the covenant. Lo! of the covenant it will be asked. ——(17:Bani Isra'il : 34)

6. And who are shepherds of their pledge and their covenant. ——(23:Al-Mu'minun : 8)

7. And those who keep their pledges and their covenant. ——(70:Al-Ma'arij : 32)

Traditions of Prophet Muhammad (PBUH) enjoining upon his followers to fulfill their promises and trusts are as under:-

1. Abdulah-bin-Abil-Hasma'a reported: I bought something from the Holy Prophet before he was raised up (as a Prophet), and there was price due to him (from me). So I promised to come to him therewith in its (appointed) place but I forgot. I remembered after 3 days, and found him in his place. He said: You have put trouble to myself. I have been here since three days waiting for you. ——(Abu Daud)

2. Abu Hurairah reported from the Holy Prophet who said: Pay trust to one who has entrusted you, and be not treacherous to one who was treacherous to you. ——(Tirmizi, Abu Daud)

3. Abdullah-b-Amr reported that the Messenger of Allah said: When four things are in you, there is nothing against you in the world which may cause your loss; guarding of trust, truthfulness in speech and beauty in conduct, and moderation in food. ——(Ahmad, Baihaqi)

4. Anas reported: Hardly did the Messenger of Allah address us without saying: There is no faith in him who has got no trust, and no religion for him who has got no promise. ——(Baihaqi)

# II- The Qur'an and the Sunnah on Fulfillment of Treaties by Islamic State

The Islamic state like individuals is also duty-bound to fulfil its treaties, alliances and words of honour given by it to foreign countries. It is one of the fundamental principles of the foreign policy pursued by an Islamic state to abide by its international commitments in all circumstances and at every cost. To comply with the terms and obligations of a treaty amounts to keeping duty to Allah. The Holy Qur'an enjoins the Islamic state to honour its pledges even with its enemy states and not to be the first one in breaking a pledge as it is a great sin. The Islamic state can break a treaty or pledge only when the other party to the treaty or pledge has been the first to break it and is bent upon harming the interests of the Islamic state. The Qur'an says:-

1. Lo! the worst of beasts in Allah's sight are the ungrateful who will not believe; Those of them with whom thou maddest a treaty, and then at every opportunity they break their treaty, and they keep not duty to (Allah): If thou comest on them in the war, deal with them so as to strike fear in those who are behind them, that haply they may remember. And if thou fearest treachery from any folk, then throw back to them (their treaty) fairly. Lo! Allah loveth not the treacherous. ——(8:55-58)

2. And a proclamation from Allah and His messenger to all men on the day of the Greater pilgrimage that Allah is free from obligation to the idolaters and (so is) His messenger. So if ye repent it will be better for you; but if ye are averse, then know that ye cannot escape Allah. Give tidings (O Muhammad) of a painful doom to those who disbelieve. Excepting those of the idolaters with whom ye (Muslims) have a treaty, and

who have since abated nothing of your right nor have supported anyone against you (As for those), fulfil their treaty to them till their term. Lo! Allah loveth those who keep their duty (unto Him). ——(9:3-4)

3. How can there be a treaty with Allah and with His messenger for the idolaters save those with whom ye made a treaty at the Inviolable Place of Worship? So long as they are true to you, be true to them. Lo! Allah loveth those who keep their duty. ——(9:7)

4. And if they break their pledges after their treaty (hath been made with you) and assail your religion, then fight the heads of disbelief —— Lo! they have no binding oaths —— in order that they may desist. —— (9:12)

Islam gives so much importance to the sanctity of treaties that sometimes even the obligations of Muslim brotherhood can be overridden to honour the given words. We read in the Qur'an "…… And those who believed but did not leave their homes, ye have no duty to protect them till they leave their homes; but if they seek help from you in the matter of religion then it is your duty to help (them) except against a folk between whom and you there is a treaty. Allah is Seer of what ye do". ——(8:72) According to this verse, it is the bounden duty of the Islamic state to help its Muslim brothers living in another state who are being persecuted and who ask for such help. However, help cannot be given to them if they are citizens of a state with which the Islamic state has made a treaty. Thus observance of international obligations in such a situation would be more imperative for the Islamic state than honouring its religious ties with the oppressed Muslim minority.

In another verse, the Holy Book of Islam stresses the fulfillment of international obligations by the Islamic state

with even individuals living in a state having treaty relations. The Qur'an says, while pronouncing punishment for the murder of a believer by mistake:

> "He who hath killed a believer by mistake must set free a believing slave, and pay the blood-money to the family of the slain, unless they remit it as a charity. If he (the victim) be of a people hostile unto you and he is a believer, then (the penance is) to set free a believing slave. And if he cometh of a folk between whom and you there is a covenant, then the blood-money must be paid unto his folk and (also) a believing slave must be set free. And whoso hath not the wherewithal must fast two consecutive months. A penance from Allah. Allah is Knower Wise: ——(4:92)

Thus this verse ordains that blood-money is to be paid for the murder of a person belonging to a non-Muslim state which has a treaty with the Islamic state, if he is killed in the territory of the Islamic state.

Some of the Ahadith and traditions which highlight the practice of the Prophet of Islam and his companions are:

1. Amr-b-Auf-Mujani reported from the Holy Prophet who said: Compromise is lawful among Muslims except a compromise which makes a lawful thing unlawful or an unlawful thing lawful. And the Muslims shall stand upon their terms except a term which makes a lawful thing unlawful or an unlawful thing lawful. ——(Tirmizi, Ibn Majah and Abu Daud)

2. Amr-b-Shuaib reported from his father who from his grandfather heard that the Messenger of Allah said in his sermon: Fulfil your convenants of the Days of Ignorance, because it (meaning Islam) does not add

to it but firmness, and do not renew a convenant in Islam ——(Tirmizi)

3. Safwan-b-Solaim from a number of the children of the companions of the Messenger of Allah, who from their fathers reported from the Apostle of Allah who said: Behold! Whoso oppresses a covenanted man, or does some damage to him, puts such a hard-ship on him as is beyond his endurance, or takes away something from him without his willful consent, I shall be his disputant on the Resurrection Day. ——(Abu Daud)

4. Bara'a-b-A'jeb reported that the Messenger of Allah made treaty with the Quraish on the Day of Hudaibiyyah over three things : On conditions that whoso of the polytheists would come to him, he would return him to them, but whoever of the Muslim comes to them, they would not return him; and on condition that he would come to Makkah next year and would stay there for three days, and would not enter there except by sheathing lances, swords and bows and like that. Then Abu Jandal came to him while he was bound in fetters. So he returned him to them. —— (Bukhari, Muslim)

5. Solaim-b-A'mer reported that there was a treaty between Muwayiah and the Byzantines and he was going towards their lands till when the convenant came to an end, he attacked them. A man came riding on a horse (or a pack horse) and said: Allah is greatest, Allah is greatest, fidelity and no treachery. They reconnoitered when lo! he was Amr-b-Abasah. Muwayiah asked him about that. He said: I heard the Messenger of Allah say: Whoso has got a treaty between him and a people must not loosen the treaty, nor make it tight till its term expires or he is thrown to

them on an equal footing. He said: Then Muwayiah returned with the people. ——(Tirmizi, Abu Daud)

6. Any Muslim could give a pledge of protection to any person or persons even belonging to a hostile state, yet the pledge was binding for the Islamic state. The Prophet of Islam accepted the pledge of security given by a Muslim woman in these words : "O Mother of Hani! We have protected whom you protected". Umar, the righteous caliph, accepted the pledge of protection given by a slave to the residents of a town conquered by Muslim forces in Iraq and directed Abu Ubaydah, the General of Islamic troops, to fulfil the commitment. Thus, an ordinary Muslim, even a woman or a slave, can offer protection to an enemy and his or her commitment can bind the entire Muslim community. The Prophet (PBUH) is reported to have said: "Muslims are one and the humblest among them is entitled to bind them by his pledge".

7. Khalid-bin-Walid returned the amount of Jizyah (which he had accepted on the pledge of protection) to the Christians of a town in Syria as he felt that he would not be able to protect them from the invasion of the Byzantine emperor. His words were : "We accepted Jizyah in return for defending you, but in this we have failed, thus, Jizyah is returned".

## III- Some Treaties Made by the Prophet

1- Charter of Madinah : Soon after his migration from Makkah to Madinah in the year 622 A.D. (1 A.H), Prophet Muhammad (PBUH) concluded a tripartite agreement between the Emigrants, the Helpers and the Jews of Madinah. This agreement is known in history as the Charter of Madinah. It is a historic document which regulated the relations between

the Muslims who had migrated from Makkah to Madinah (known as Muhajerin) and the Muslims who were already living in Madinah (known as Ansar) on the one hand and between the Muslims and the Jews of Madinah and their allies on the other hand. It established first Islamic state with the Prophet as head in Madinah and defined the rights and obligations of the parties to the charter. Its main provisions are:-

1. This is a document from Muhammad the Prophet governing the relations between the believers and Muslims of the Quraish and Yathrib and those who followed them and joined them and laboured (fought) with these.

2. They are one community (ummah) to the exclusion of all other people.

3. The Muhajerin of the Quraish, according to their present custom, shall pay the blood-money within their own number and shall redeem, their prisoners with the kindness and justice common among believers (ma'ruf).

4. The Banu Auf, according to their present custom, shall pay the blood money they paid in times of ignorance; every section shall redeem its prisoners with the kindness and justice common among believers.

5-8. The Banu Sa'idah, the Banu Harithah, the Banu Jusham and the Banu Najjar likewise.

9-11. The Banu Amr bin Auf, the Banu al-Nabit and the Banu al-Aus likewise.

12. Believers shall not leave anyone destitute among them by not paying his redemption money or blood money in kindness.

13. A believer shall not take away the freedom of another Muslim against his will.

14. The God-fearing believers shall be against the rebellious or him who seeks to spread injustice, or sin or enmity, or corruption between believers; the hand of every man shall be against him even if he be a son of one of them.

15. A believer shall not slay a believer for the sake of an unbeliever nor shall he aid an unbeliever against a believer.

16. Allah's protection (dhimmah) is one; the least (adna) of them may give protection to a stranger on their behalf. The believers are friends (mawali) one to the other to the exclusion of other people.

17. To the Jew who follows us belong help and equality. He shall not be wronged nor shall his enemies be aided.

18. The peace of the believers is indivisible. No separate peace shall be made when believers are fighting in the way of Allah.

19. Conditions must be fair and equitable to all (in all peace treaties).

20. In every party, a rider must take another behind him (while doing military duties).

21. The believers must avenge the blood of one another shed in the Way of Allah. The God-fearing believers enjoy the best and most upright guidance.

22. No polytheist shall take the property or person of a Quraish under his protection nor shall he intervene against a believer.

23. Whoever is convicted of killing a believer without just cause shall be subject to retaliation, unless the next of kin is satisfied (with blood-money), and the believers shall be against him as one man, and they are bound to take action against him.

24. It shall not be lawful for a believer who has agreed to what is in this document and believes in Allah and the Last Day to help an evil-doer or to shelter him. The curse of Allah and His Anger on the Day of Resurrection will be upon him if he does, and neither repentance nor ransom will be accepted from him.

25. Whenever there is a difference of opinion about anything, it must be referred to Allah and Muhammad for a final decision.

26. The Jews shall contribute to the cost of war as long as they are fighting alongside the believers.

27. The Jews of the Banu Auf are one community with the believers (the Jews have their religion and the Muslims have theirs), their freedmen and their persons except those who behave unjustly or sinfully, for they hurt but themselves and their families.

28-35. The same applies to the Jews of the Banu al-Najjar, Banu al-Harith, Banu Sa'idah, Banu Jusham, Banu al-aus, Banu Thalabah and the Jafnah, a clan of the Thalabah and the Banu al-Shutaibah.

36. Loyalty is a protection against treachery. The freedmen of Thalabah are as themselves. The close friends of the Jews are as themselves.

37. None of (the believers) shall go to war, except with the permission of Muhammad, but he shall not be prevented from taking revenge for a wound.

38. He who slays a man without warning slays himself and his household, unless it be one who has wronged him, for Allah will accept that.

39. The Jews must bear their expenses and the Muslims their expenses.

40. Each must help the other against anyone who attacks the people of this document.

41. They must seek mutual advice and consultation, and loyalty is a protection against treachery.

42. A man is not liable for his ally's misdeeds.

43. The wronged must be helped.

44. The Jews must bear expenses along with the believers so long as war lasts.

45. The valley of Yathrib shall be a sanctuary for the people of this document.

46. A stranger under protection (jar) shall be as his host so long as he does no harm and commits no crime. A woman shall only be given protection with the consent of her family.

47. If any dispute or controversy likely to cause trouble should arise it must be referred to Allah and to Muhammad, the Messenger of Allah. Allah accepts what is nearest to piety and goodness in this documents.

48. The Quraish and their helpers shall not be given protection.

49. The contracting parties are bound to help one another against any attack on Yathrib.

50. If they are called to make peace and maintain it, they must do so; and if they make a similar demand on the Muslims, it must be carried out, except in the case of a Holy War.

51. Everyone shall have his portion from the side to which he belongs; the Jews of al-Aus, their freedmen and themselves have the same standing with the people of this document in pure loyalty from the people of this document. Loyalty is a protection against treachery. He who acquires anything acquires it for himself.

52. Allah approves of this document. This deed will not protect the unjust and the sinner. The man who goes forth to fight or the man who stays at home in the city is safe unless he has been unjust and a sinner. Allah is the Protector of the good and God-fearing man and Muhammad is the Messenger of Allah.

**Treaty of Hudaibiyah:** In the year 6 A.H. Prophet Muhammad set out for Makkah with 1400 companions for Umrah. Hearing that the pagan Quraish of Makkah are not prepared to allow him to enter Makkah, the Prophet encamped at Hudaibiyah six miles short of Makkah. After hectic negotiations between the Muslims and the Quraish a truce for a period of ten years was signed which is known in history as the Treaty of Hudaibiyah. Following is the text of this treaty :

"With Thy name, O God!

"This is what was agreed upon between Muhammad, son of 'Abdullah, and Suhail, son of 'Amr:

"They both agreed to put down fighting on the part of people for ten years, during which period the people were to enjoy peace and refrain from fighting with each other.

"And whoever of the companions of Muhammad comes to Makkah on Hajj or 'Umrah-pilgrimage, or in quest of the bounty of God en route to Yaman or Ta'if, such shall be in security regarding his person and property. And whoever comes to Madinah, from among the Quraish, en route to Syria or 'Iraq [variant : Egypt] seeking the bounty of God, such shall be in security regarding his person and property.

"And whoever comes to Muhammad from among the Quraishites without the permission of his guardian (mawla), he [he the Prophet] will hand him over to them; and whoever comes to the Quraish from among those who are with Muhammad, they will not hand him over to him.

"And that between us is a tied-up breast [i.e. bound to fulfil the terms] and that there shall be no secret help violating neutrality, and no acting unfaithfully.

"And that whosoever likes to enter the league of Muhammad and his alliance may enter into it : and whoso likes to enter the league of the Quraish and their alliance may enter it–And thereupon upsprang the tribe of Khuza'ah and said: We are in league with Muhammajd and his alliance; and upsprang the tribe of Banu Bakr and said: We are in league with the Quraish and their alliance.

"And that thou [Muhammad] shalt return from us [Quraish is this year and enter not in our midst; and that when it is the coming year, we shall go out from thee and thou shall enter with thy companions and stay there three nights, with thee being the weapon of the rider : having swords at the side; thou shalt not enter with what is other than them [swords].

"And that the animals of sacrifice (brought by thee this time) will be slaughtered where we found them [i.e. in Hudaibiyah], and thou shalt not conduct them to us [in Makkah].

[Probably Seal of Muhammad and Seal of Suhail]

**"WITNESSES :**

"Muslims :– Abu Bakr, Umar, 'Abd ar-Rahman ibn 'Awf. 'Abdullah Ibn Suhail Ibn 'Amr, Sa'd ibn Abi Waqqas, Mahmud ibn Maslamah, etc.

'Makkans :– Mikraz ibn Hafs, etc.

Scribe and Witness :– 'Ali ibn Abi Talib".

The terms of this treaty prima facie appear to the disadvantage of the Muslims and it was considered so by many companions of the Prophet as well. But the treaty proved a landmark in the history of Islam. It provided to the Muslims necessary relief from the hectic warfare and to Islam it provided boost in its spread and propagation. No doubt the treaty has been called 'Fatah Mubeen' (clear

victory) by the Qur'an in its chapter 48 and it was indeed no less than that.

**Treaty with the Christians of Najran:** In the year 8.A.H. Christians of Najran submitted to the Islamic state of Madinah and agreed to pay fixed tribute to Muhammad, the Prophet of Islam. In lieu of this submission and tribute, they secured from the Prophet his protection to their life, faith, land and property. The terms of the treaty concluded between the parties are:

1. From Muhammad the Messenger of Allah to the people of Najran.

2. The people of Najran are responsible for paying tribute to the Prophet according to the rate fixed for them in fruit, wheat or cattle.

3. Whatever is taken from them, armour, horses, camels or luggage, will be taken according to determined computation.

4. In case of war between us and Yemen, the people of Najran will lend us thirty armours, thirty horses and thirty camels.

5. Any damage to, or loss of, the things borrowed will be paid by my envoys.

6. The life, faith, land and property of the people of Najran and of the neighbouring areas, absent or present, will be under the protection of Allah and His Messenger.

7. Their places of worship and their religious rights will also be protected.

8. Their bishops will not be transferred nor their monks be removed nor those who abstain from war.

9. The status quo will be strictly maintained; whatever is in their possession, whether plentiful or scarce, will not be changed.

10. They will have no right to do any business involving interest (riba) or to claim any right to blood retaliation (shed in the days of) ignorance.

11. If any of them claims his right to something, the matter will be decided between them with justice. They shall not be wronged nor shall they (be allowed to) do any wrong.

12. Whatever is mentioned in this document is under the eternal protection of Allah and is the responsibility of Muhammad the Prophet, provided these people do good of their own accord without any coercion or compulsion.

## IV- Rules and Regulations of the Treaties

The jurists of Islam have laid down certain rules and regulations which should be adhered to while framing treaties and alliances. Basing their argument on the command of the Qur'an : "when ye contract a debt for a fixed term, record it in writing", and the practice of the Prophet, they say that a treaty must be reduced into black and white. Terms of the treaty should be clear to the parties concerned and there must be no ambiguity in them. The date of the writing of the treaty, date on which it comes into force and the duration of the treaty must be precisely mentioned. The signatures of the duly authorized persons

should be affixed along with the names and signatures of the witnesses in whose presence the deed was executed. If the supreme commander or the head of the government is not present at the time of execution of treaty, then the provisional agreement made on his behalf by a subordinate authority must be later ratified by the competent authority. The terms of the treaty must be implemented in letter and spirit and the solemn pledges made between the parties must be truly honoured in deeds.

# CHAPTER 13

# QUESTION OF HELP TO OPPRESSED MUSLIMS

Today there are more than 120 crore Muslims in the world out of which more than 40 crore are living in non-Muslim countries. Some of these non-Muslim countries are oppressing their Muslim subjects so severely and are persecuting them so cruelly that these Muslims have been forced to resort to Jihad. They have started their freedom struggles and are crying for help from the independent Muslim countries. Should the Muslim countries help them is the question which we intend to address in this chapter. We shall first examine in a little detail the plight of the oppressed Muslims in some non-Muslim countries of the world and then we shall discuss Islam's concept of universal brotherhood before proceeding to answer the above question.

## I- Plight of Oppressed Muslim Minorities

The plight of the Muslims in some of the non-Muslim countries such as Israel, India, Russia, China, Yugoslavia, Ethiopia, Burma, Philippines, is simply miserable. The Muslims are being subjected to the worst type of persecution and oppression in these lands. They are denied all the basic human rights such as right to protection of life, property and honour, freedom of religion and worship, freedom of speech, freedom of movement, political rights, etc. They are arrested by the agencies without warrant. They are tortured, injured and physically incapacitated. Thousands are massacred and buried in mass-graves. Their women are raped. Attempts are being made to finish the race of Muslims in those countries. They are expelled from their homes and are forced to seek asylum in neighbouring

countries. Their houses, shops, places of worship are put to torch. Their orphans and widows are put to sword. Their struggle for rights and freedom is mercilessly and ruthlessly crushed. The Muslims have only recently been subjected to unparalleled tyranny by the Serbs in Bosnia and Kossovo, by the Russians in Afghanistan and by the Greeks in Cyprus. They are being persecuted in Eritrea by the Ethiopians, in Israeli occupied areas by the Jews, in Kashmir by the Indians, in Chechnya by the Russians, in Sinkiang by the Chinese, in Arakan by the Burmese, in Philippines by the Christians and so on. Tales of sorrow, blood, holocaust, arson, atrocities, brutalities, horror, terror, torture, rape, massacre, looting and plunder received from these lands are living testimony of modern barbarism. Such tales also tell us how much the men can go low to satisfy their brutish instincts.

Although the plight of the Muslims in all the above mentioned Non-Muslim lands is almost the same, yet the case of Kashmir and Chechniya specially needs discussion in detail as representative example of persecution of Muslims at Non-Muslim hands.

Kashmir: The state of Jammu and Kashmir comprises an area of 1,84,000 square miles and has population of over 12 million people of whom a preponderant majority are Muslims. In 1947, British India was granted independence and was divided into two independent countries : India or Bharat being Hindu majority country and Pakistan being a Muslim country. By the Act of Independence, the Indian states were given option to join India or Pakistan keeping into consideration the geographical location of the state and the wishes of the people. State of Jammu and Kashmir, in accordance with these principles, should have joined with Pakistan, as it was contiguous to Pakistan and more than 80% of its population was Muslim. But despite wishes of its population, it could not join Pakistan because its Hindu ruler

Maharaja Hari Singh Dogra decided to join India. The population, therefore, revolted against the Maharaja who invited India for help to suppress the rebellion.

Thus India exploited the opportunity and dispatched its troops to the valley. In the meantime tribesmen from the North-Western Frontier Province of Pakistan had joined the conflict to help their Kashmiri brothers. Indian intervention resulted in reign of terror let loose on the Kashmiri Muslims. Thousands were massacred, hundreds of women were raped, hundreds of thousands were expelled from their homes. Innumerable Kashmiris sought shelter in Pakistan and brought with them tales of murder, torture, looting, burning and brutality. Pakistan could not keep quiet at this state of affairs. Moved by the horrible plight of the Kashmiri Muslims, Pakistan entered to free the people and thus started war between India and Pakistan. The war lasted until January 1949 when a ceasefire was arranged, leaving one third area of the state in the hands of Pakistan and two-thirds of the area in Indian occupation. Pakistan made its part independent and that is called Azad Kashmir; whereas India made its grip over Kashmir very firm and started calling it an integral part of India.

At the time of conclusion of the ceasefire agreement under the aegis of the United Nations, it was also agreed by all the concerned parties that the future of Kashmir would be decided by the people in a plebiscite held under the supervision of the UN. Although it was India who had taken the dispute of Kashmir to UN, but it has defied the world community since then and refused to hold referendum to determine the will of the people. The UN has passed dozens of resolutions urging India to honour its commitment, but they have proved of no avail and the illegal occupation of Kashmir by India still continues. The two subsequent wars between India and Pakistan in the years 1965 and 1971 have failed to resolve the dispute. Simla Agreement

concluded between India and Pakistan in 1972 changed the ceasefire line into the line of control while both India and Pakistan agreed to settle their mutual disputes including the dispute of Kashmir through bilateral negotiations. But India never agrees to hold any meaningful dialogue with Pakistan.

So the problem of Kashmir still remains unsolved much to the danger of peace and security in this region of the world which has lately become international flash-point due to the achievement of nuclear capability by India as well as by Pakistan.

The success of Afghan Jihad against the Russian invaders has recently triggered war of independence in Kashmir. Jihad launched by the Kashmiris from the year 1989 has only increased Indian oppression. India has not only beefed up its security forces but has also stationed more than seven hundred thousands of its troops in Kashmir. The ferocious Indian army, well-equipped with latest weapons of modern warfare is engaged in crushing the freedom struggle of the innocent Kashmiri people. The following facts and figures speak of the state terror, violation of human rights, torture and brutalities to which the Kashmiris have been subjected by the occupation forces of India : In the decade of 1989 to 1999, 67717 persons have been killed besides 7334 persons who have been tortured to death in the custody of security agencies. In these years 92248 Kashmiris were arrested, 99424 have been wounded and 6569 are missing while 17000 have been rendered physically incapacitated due to torture. Children who have lost their parents are over 42000; more than 10,000 women have become widows and husbands of more than 3000 women are missing; whereas women subjected to rape or gangrape are more than 17000. Number of Mujahideen (freedom fighters) killed is 11829, number of wounded is 9678 and number of arrested is 11593. Number of houses and shops put to torch is more than 67900 and

31500 respectively.[1] These figures of Indian atrocities represent rather conservative estimates given by the International agencies.

Chechnya : Chechens are living in the area of Qafqaz since thousands of years. They are descendents of Prophet Noah through one of his son who had settled there. Because of this relationship they call themselves 'Noahchi'. They are Muslims, believe in One God and do not associate anyone else with God. They voluntarily and enmasse accepted Islam without fighting the Muslim forces during the reign of caliph Umar. They were living as an independent people till 1859 A.D. when the Russian czar occupied their land after subduing and capturing Imam Shamail. Despite that the Chechens never submitted to the sovereignty of czars and kept their struggle for independence going on. After communist Revolution of 1917, their struggle started against the communists. In 1944 Stalin drived the Chechens out of their homeland. In thirteen years of forced exile, about 60% people of Chechen-Inqush nation lost their lives. In 1957, the people again returned to Chechnya to start their life afresh with no means.

After dismemberment of Soviet Union in 1991, the Chechens declared their Independence. With this declaration hostilities broke out between Russia and Chechnya. During the war of 1994-96, more than 2000 Mujahideen were killed and more than 1 lac people lost their lives. On April 21, 1996 President Jauhar Daudouve was killed (Martyred). Ceasefire was made in May 1996 while peace treaty was concluded on August 22, 1996 with agreement that Russian Federation and Republic of Chechnya would decide about future status before Dec. 31, 2001.

In September 1999, in flagrant violation of peace treaty of 1996, Russia launched an attack on Chechnya with

latest weapons. The latest M-16 planes, M gunship helicopters, long-range artillery, cluster bombs, napalm bombs, chemical bombs and even toy bombs were used against the Chechens. All big cities, including capital Grozny, Godasmir and Shali, were completely destroyed. Thus a country of 1.2 million population and 13000 Sq. Km of area has been turned into a ruin. Presently more than 3 lac Russian troops are stationed in Chechnya against a population of almost the same number who have only 4 or 5 thousand Mujahideen to protect it against the oppressors.

Reports of foreign correspondents and observers of the US Human Rights Group and Amnesty International prove that Russians are guilty of committing dreadful crimes of torture, rape, genocide, mass killings of innocent men, women and children. The UN Human Rights Commission has passed a resolution only recently (April 2000) showing its grave concern over the human rights violations by Russian military force in Chechnya and calling on the Russian government to set up an independent inquiry to look into the matter.

However, Russian crimes in Chechnya were possible only with the silent and all-out support of America and the Western nations. During this whole period, America, Germany and IMF continued extending full financial assistance to Russia. Rather America and European community countries hold that Chechnya is Russia's internal affair and that Russia is fighting terrorism.

## II- Demands of Islamic Fraternity

Islam has established brotherhood and fraternity among the Muslims on the basis of common religion and has abolished all distinctions between one Muslim and the other on the basis of race, colour, language or nationality. In the Muslim brotherhood all men and women, to whatever

nation, race, colour, rank or station in society they may belong, have equal rights and duties. Al-Qur'an, the revealed book of Islam, says :

1. And hold fast, all of you together, to the cable of Allah, and do not separate. And remember Allah's favour unto you …. ——(3 : 103)

2. Lo! those who believed and left their homes and strove with their wealth and their lives for the cause of Allah and those who took them in and helped them: these are protecting friends one of another. And those who believed but did not leave their homes, ye have no duty to protect them till they leave their homes; but if they seek help from you in the matter of religion then it is your duty to help (them) except against a folk between whom and you there is a treaty. Allah is Seer of what ye do. And those who disbelieve are protectors one of another – If ye do not so, there will be confusion in the land, and great corruption. ——(8 : 72-73)

3. And the believers, men and women, are protecting friends one of another …… ——(9:71)

4. The believers are naught else than brothers. Therefore, make peace between your brethren and observe your duty to Allah that haply ye may obtain mercy. ——(49:10)

Following Ahadith of the Prophet of Islam further emphasise the bond of fraternity among the Muslims :

1. Nu'man-b-Bashir reported that the Messenger of Allah said : You will see the believers in their mutual kindness, love and sympathy just like one body. When

a limb complains, the whole body responds to it with wakefulness and fever. ——(Bukhari and Muslim)

2. Abu Hurairah reported that the Messenger of Allah said: You shall not enter Paradise till you believe; and you will not believe till you love-one another. Shall I not guide you to a thing? When you will do it, you will love one another. Spread peace among you.
——(Muslim)

3. Ibn Umar reported that the Messenger of Allah said: A Muslim is brother to a Muslim. Neither he wrongs him, nor hands him over (to another). And whoso comes in need of his brother, Allah comes in his need; and whoso removes a calamity of a Muslim, Allah will remove a calamity from the calamities of the Resurrection Day, and whoso conceals the faults of a Muslim, Allah will conceal his sins on the Resurrection Day. ——(Bukhari, Muslim)

4. Abu Hurairah reported that the Messenger of Allah said: A Muslim is brother to a Muslim. He does neither wrong to him, nor puts him to disgrace, nor he hates him. Piety is here (and he was pointing out to his breast three times). Despising his brother Muslim is enough evil for a man. Every Muslim's blood, property and honour are sacred to a Muslim. —(Muslim)

5. Osamah-b-Sharik reported that Messenger of Allah said: whoso comes out to make division among my followers, smite his neck. —(Nisai)

6. Abu Zarr reported that the Messenger of Allah said: whoso departs from the united body even a hand's breadth has indeed shaken off the rope of Islam from his neck. —(Ahmad, Abu Daud)

## III- Should Such Muslims be Helped?

We have already studied the aims and objectives of Jihad and have also analysed the reasons for which the Muslims are permitted to wage Jihad. Thus we know that one of the noble causes for which Jihad is waged is the help to oppressed and persecuted Muslims living in non-Muslim lands. Similarly one of the aims of Jihad is that the persecuted Muslims living in Darul Harb be helped and be liberated from the oppression of the non-Muslims. The Qur'an inspires its followers to help such Muslims when it enjoins: How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: our Lord! Bring us forth from out this town of which the people are oppressors! Oh, give us from Thy Presence some protecting friend! Oh, give us from Thy Presence some defender! —(4 : 75)

However, help can be given only to those persecuted Muslims who are living in such countries with whom the Islamic state has no alliance or treaty of peace and friendship. But if a treaty exits between the Islamic state and a non-Muslim country which is oppressing its Muslim minority, then the Islamic state is not permitted to help the oppressed Muslims. The Qur'an has issued very clear directions on this point in its following verses:

Lo! those who believed and left their homes and strove with their wealth and their lives for the cause of Allah, and those who took them in and helped them; these are protecting friends one of another. And those who believed but did not leave their homes, ye have no duty to protect them till they leave their homes; but if they seek help from you in the matter of religion then it is your duty to help (them) except against a fold between whom and you there is a treaty. Allah is seer of what ye do. And those who

disbelieve are protectors one of another- If ye do not so, there will be confusion in the land, and great corruption.

—(8 : 72 – 73)

The commandment regarding the concept of villayat (protection or guardianship) and the rule regarding help to oppressed Muslims living in non-Muslim countries as contained in the above mentioned verses of the Qur'an has been beautifully explained by Syed Abul Ala Maududi He writes:

"The Arabic word (vilay'at) is very comprehensive in meaning and 'guardianship' does not convey its full significance. It denotes the relationship of help, succour, protection, support, friendship, guardianship and the like between the citizens and the state and vice versa, and between the citizens themselves. Thus it is clear that this verse confines the limits of the Islamic political and constitutional citizenship to its territorial boundaries only and excludes from this particular relationship the other Muslims who live beyond its territorial boundaries.

"The Holy Prophet also declared the same thing, saying, "I owe no responsibility for the protection of any Muslim who resides among the mushriks.

"Though the Muslims living outside the territorial borders of the Islamic State have been excluded from political protection in the preceding verse, this fact does not deprive them of the brotherly relationship of Faith. Therefore it is obligatory on the Islamic State and its inhabitants to help their wronged and oppressed brethren if they ask for help. But even in this case, they should observe the International Law and the universally accepted moral code. If Dar-ul-Islam has made a treaty with the persecuting people of Dar-ul-Kufr, the Muslims of Dar-ul-Islam are

forbidden to give any help to the oppressed Muslims in Dar-ul-Kufr if that is against the moral obligations of the treaty.

"In this verse, the word (mithaq) has been used for treaty. It implies everything that gives the guarantee of peace in the known sense to the parties concerned even though there might not be any explicit mention of a no-war agreement.

"Moreover, the original words of the Arabic Text—".....between you and them there is a treaty"—clearly show that a treaty of the Islamic State with a non-Islamic State is not merely a treaty between the two States but between the two nations. Therefore it is morally binding on both the Islamic State and the Muslims living in the Islamic State. The Islamic code does not tolerate that the Muslim subjects should be left free from the obligations of the treaty which a Muslim government makes with other countries or nations. Of course, those Muslims who reside outside the territorial borders of the State that makes a treaty are free from this obligation. That is why Abu Busair, Abu Jandal and other Muslims who were not the subjects of Dar-ul-Islam were not bound by the terms of the Treaty of Hudaibiyah, which the Holy Prophet had made with the disbelievers of Makkah."

The gist of the foregoing discussion is that it is obligatory upon the Muslims living in Islamic countries and the governments of such countries to help those Muslims who are being oppressed in Non-Muslim countries. However, help cannot be extended against a non-Muslim country with which the Islamic countries have a treaty relationship although that country is oppressing its Muslim minority. The question arises that in such case what should be done? The answer is that the Islamic countries should use their good offices because of their treaty relations in persuading the concerned non-Muslim country not to persecute its Muslim minority. The non-Muslim country

should be pressurised to treat its Muslim citizens kindly, grant them fundamental human rights and civil liberties, and accept their genuine demands. But if the non-Muslim country does not give up its oppression, the Islamic countries can break their treaties after a due ultimatum and can directly intervene in favour of their oppressed brothers to help them out of the miserable plight.

In the present world many Muslim communities living in non-Muslim countries are being persecuted. As we have discussed earlier Muslims are being oppressed in Palestine. Kashmir, Chechnya, Sinkiang, Bosnia, Kossovo, Arakan, Eriteria. But the Islamic countries cannot intervene directly in their favour and wage Jihad against their persecutors because the Islamic countries have diplomatic relations with the oppressor non-Muslim countries. In many cases they have also direct or indirect treaty relations with such countries. Thus they are not in a position to help the oppressed Muslims by physical force until and unless they break their treaties and severe their ties with the concerned non-Muslim states which is not desirable in the present situation of the world. So what they should do is that they should unitedly exercise their pressure in persuading countries like Israel, India, Russia, Serbia, Burma and Ethiopia to cease their oppressive policies and grant their Muslim citizens fundamental rights and accept their genuine demands. Good offices of the leading states of the world, United Nations and international forums can be utilized to help the persecuted Muslims. Direct moral and political support and economic assistance can be extended to the oppressed Muslim communities. Hospitality should be shown to the Muslim immigrants from such places.

## IV- Migration

One way of helping the oppressed Muslims is, as we have seen, to wage Jihad for liberating them from the yoke

of their oppressors, while the other way is to welcome them in one's land if they are expelled or if they opt themselves to migrate. Islam teaches those Muslims who are being persecuted in non-Muslim lands to migrate in the path of Allah and seek asylum in safer places where they could live in peace and practice their faith freely. There are many rewards from Allah the Almighty for those who migrate in His way and for those who offer hospitality to the immigrants. Before discussing the subject of migration further, let us first go through the relevant verses of the Holy Qur'an and traditions of Prophet Muhammad (PBUH).

**Verses of the Qur'an:**

1. Lo! those who believe, and those who emigrate (to escape the persecution) and strive in the way of Allah, these have hope of Allah's mercy. Allah is Forgiving, Merciful. ——(2:218)

2. Lo! as for those whom the angels take (in death) while they wrong themselves, (the angels) will ask: In what were ye engaged? They will say: We were oppressed in the land. (The angels) will say: Was not Allah's earth spacious that ye could have migrated therein? As for such, their habitation will be hell, an evil journey's end; Except the feeble among men, and the women, and the children, who are unable to devise a plan and are not shown a way. As for such it may be that Allah will pardon them. Allah is ever Clement, Forgiving. Whoso migrateth for the cause of Allah will find much refuge and abundance in the earth, and whoso forsaketh his home, a fugitive unto Allah and His messenger and death overtaketh him, his reward is then incumbent on Allah, Allah is ever Forgiving, Merciful. ——(4 : 97-100)

3. Lo! those who believed and left their homes and strove with their wealth and their lives for the cause of Allah, and those who took them in and helped them: these are protecting friends one of another. And those who believed but did not leave their homes, ye have no duty to protect them till they leave their homes; but if they seek help from you in the matter of religion then it is your duty to help (them) except against a folk between whom and you there is a treaty. Allah is Seer of what ye do. And those who disbelieve are protectors one of another-If ye do not so, there will be confusion in the land, and great corruption. Those who believed and left their homes and strove for the cause of Allah, and those who took them in and helped them-these are the believers in truth. For them is pardon and a bountiful provision. And those who afterwards believed and left their homes and strove along with you, they are of you; and those who are akin are nearer one to another in the ordinance of Allah. Lo! Allah is Knower of all things. ——(9 : Al-Anfal : 72-75)

4. Those who believe and have left their homes and strive with their wealth and their lives in Allah's way are of much greater worth in Allah's sight. These are they who are triumphant. ——(9 : 20)

5. And those who became fugitives for the cause of Allah after they had been oppressed, We verily shall give them goodly lodging in the world, and surely the reward of the Hereafter is greater, if they but knew; ——(16:41)

6. Then lo! thy Lord-for those who became fugitives after they had been persecuted, and then fought and were steadfast-lo! thy Lord afterward is (for them) indeed Forgiving, Merciful, ——(16:110)

7. Those who fled their homes for the cause of Allah and then were slain or died, Allah verily will provide for them a good provision. Lo! Allah, He verily is Best of all who make provision. Assuredly He will cause them to enter by an entry that they will love. Lo! Allah verily is Knower, Indulgent. ——(22:58-59)

8. And (it is) for the poor fugitives who have been driven out from their homes and their belongings, who seek bounty from Allah and help Allah and His messenger. They are the loyal. ——(59:8)

9. O ye who believe! When believing women come unto you as fugitives, examine them. Allah is best aware of their faith, Then, if ye know them for true believers, send them not back unto the disbelievers. They are not lawful for the disbelievers, nor are the disbelievers lawful for them. And give the disbelievers that which they have spent (upon them). And it is no sin for you to marry such women when ye have given them their dues. And hold not to the ties of disbelieving women; and ask for (the return of) that which ye have spent; and let the disbelievers ask for that which they have spent. That is the judgement of Allah. He judgeth between you. Allah is Knower, Wise. ——(60:10)

**Traditions of Prophet Muhammad (PBUH):**

1. Amr-b-Abasah reported: I came to the Apostle of Allah and enquired: O Prophet of Allah! Who is with you in this affair? "Both free man replied he "and slave". I enquired: What is Islam? He replied: Sweet talk and giving food. I asked: What is faith? He replied: Patience and generosity. I enquired: Which Islam is best? He replied: That one's from whose tongue and hand Muslims are safe. I asked: Which faith is best?

He said: Good conduct. I asked: Which prayer is best! He said: Standing long in humility. I asked: Which emigration is best? He replied: Abandoning what your Lord dislikes. I asked: Which Jihad is best? He replied: That in which his best horse is killed and his blood is shed. I enquired : Which hour is best? He said : The middle of the later half of the night. ——(Ahmad)

2. Abdullah-b-Hubshi reported that the Prophet was asked : Which of the actions is best? He said : prolonged standing (in prayer). He was questioned: Which charity is best? He said: Strivings of a man of small means. He was questioned: Which migration is best? He said: He who flees away from what Allah has prohibited him. He was questioned which Jihad is best? He said: He who fights with the polytheists with his property and his life. ——(Ibn Majah)

The first ever migration of the oppressed Muslims that took place was that of the Makkan Muslims who migrated to Abyssinia, a Christian country around the year 616 or 617 A.D. To escape from the persecution by the pagan Quraish, the Muslims migrated to the said country, with the permission of Prophet Muhammad (PBUH). The ruler of Abyssinia not only accorded them a kind treatment but also refused the request made by a high-powered delegation of the Quraish to extradite the Muslim refugees. The Prophet was so much pleased by the hospitality shown by the Abyssinian ruler (Negus) to his followers that he offered funeral prayer of the Negus in absentia when the latter died.

Second migration of the oppressed followers of Islam and this time in the company of the Prophet himself was from Makkah to Madina in the year 622 A.D. This is very important event in the history of Islam as well as of the world because Muslim Calendar of Higerah dates back from this event. The Muslims of Madinah welcomed their brothers

from Makkah and showed them the hospitality which has become a model to emulate for the later generations. The Qur'an praises their hospitality and Allah showered His blessings upon the Helpers (Ansar) of Madinah and the immigrants (Muhajirin) of Makkah.

The later Muslims have never lagged behind in following the golden traditions of their predecessors in offering hospitality to the persecuted refugees. Only recently Pakistan offered its hospitality to more than three million Muslim refugees from Afghanistan when that country was invaded by the Russian communists. Pakistan has also been a long time host of the Kashmiris who migrate to this country in the event of Indian oppression.

# CHAPTER 14

# DID ISLAM SPREAD THROUGH SWORD?

## I- The Charge

Muhammad (PBUH), the Prophet of Islam, was born on April 23, 571 A.D. in Makkah, Arabia. At the age of 40 i.e. in the year 610 A.D. he was commissioned as apostle of Allah when he received the first revelation of God through Archangel Gabreil. About three years thereafter he started preaching Islam. During the period he stayed at Makkah the progress of conversion of Islam was very slow due to the fierce opposition of his own tribe. The Quraish not only opposed the new religion tooth and nail but also persecuted and oppressed the newly converted followers of Muhammad (PBUH). The Prophet migrated to Madinah in the year 622 A.D. During his stay at Madinah in a period of decade or so, the new faith received hundreds of thousands of adherents despite very bitter resistance put up by the forces of paganism. By the time of the death of the Prophet in the year 632 A.D., the whole of Arabian Peninsula had embraced Islam. Within 30 years of the demise of the Prophet, Islam had conquered the hearts of millions of people and had established its hold over many countries of the world. And within hundred years after the death of its teacher, Islam had established the most powerful state which ruled substantial parts of the then known world and had become the creed of hundreds of millions of people. The extraordinary rapidity with which the religion of Muhammad (PBUH) spread over the surface of the globe has given rise to the charge that Islam is a religion of sword which was spread through sword. In this chapter we shall try to examine whether there is any truth in this charge.

We shall first of all examine the evidence of the Qur'an, the revealed book of Islam, and the conduct of the Prophet on the issue before us and then we shall proceed to cite the opinions of the scholars in the light of historical facts connected with the rapid rise of Islam.

## II-Rebuttal by the Qur'an

No compulsion in Religion: The revealed book of Islam declares in unequivocal and unambiguous terms that there is no compulsion or coercion in religion. Truth has been made distinct form error. Everybody is free to choose between the right and wrong. None can be forced to follow right path. There is full freedom of faith and Islam cannot be thrust upon anybody. According to the Qur'an, Muhammad, the Prophet of Islam, was sent by Allah as His messenger to mankind to show them right path. He was sent to convey the message of Allah and not to convert the people forcibly to Islam. He was a messenger and a warner and not a warder over men. The Qur'an makes this fact plain in the following verses:

1. There is no compulsion in religion. The right direction is henceforth distinct from error. And he who rejecteth false dieties and believeth in Allah hath grasped a firm hand-hold which will never break. Allah is Hearer, knower. —(2 : 256)

2. And if thy Lord willed, all who are in the earth would have believed together. Wouldst thou (Muhammad) compel men until they are believers? —(10 : 99)

3. Then, if they turn away, thy duty (O Muhammad) is but plain conveyance (of the message). —(16 : 82)

4. Say: (it is) the truth from the Lord of you (all). Then who-so-ever will, let him believe, and who-so-ever will, let him disbelieve… —(18 : 29)

5. But if they are averse, We have not sent thee as a warder over them. Thine is only to convey (the message). —(12 : 48)

6. We are best aware of what they say, and thou (O Muhammad) are in no wise a compeller over them. But warn by the Qur'an him who fearth my threat. —(50 : 45)

7. Remind them for thou art but a remembrancer. Thou art not at all a warder over them. —(88 : 21-22)

8. Say: O disbelievers!
I worship not that which ye worship;
Nor worship ye that which I worship.
And I shall not worship that which ye worship,
Nor will ye worship that which I worship.
Unto you your religion, and unto me my religion.
—(109 : 1-6)

The above mentioned verses of the Qur'an explain the whole philosophy of religion of Islam. The duty of the Messenger of Allah is merely to convey the message of Allah plainly and clearly. When the message is conveyed to the people, the duty of the messenger is done and he is not responsible for the deeds of the people. The Prophet is not appointed as a warder or guard or compeller over men. It is not his duty to bring people to Islam by force. When the message is delivered to the people and Islam is offered to them, then it is for the people to accept it or to reject it. They have freedom of choice as none has the authority to force them to embrace the faith. Whether any body believes or not is not the responsibility of the Prophet.

**Conversion through Preaching:** Rather Prophet Muhammad (PBUH) was enjoined upon to convince the people through fair preaching and peaceful means so that they may believe in Allah and adopt the right path of truth. Persuation, education and preaching are the right ways through which Islam is propagated. The Qur'an, in its following verses, impresses upon the Prophet of Islam and his followers to invite the non-believers to Islam through wisdom and fair exhortation:

1. Ye are the best community that hath been raised up for mankind. Ye enjoin right conduct and forbid evil, and ye believe in Allah. —(3 : 110)

2. Had Allah willed, they had not been idolatrous. We have not set thee as a keeper over them, nor art thou responsible for them. —(6 : 108)

3. Revile not those unto whom they pray beside Allah lest they wrongly revile Allah through ignorance…….. —(6 : 109)

4. And whomsoever it is Allah's will to guide, He expandeth his bosom unto the surrender, and whomsoever it is His will to send astray, He maketh his bosom close and narrow……. –-(6 :126)

5. Say: O mankind! Now hath the truth from your Lord come unto you. So whosoever is guided, is guided only for (the good of) his soul, and whosoever erreth, erreth only against it. And I am not a warder over you. —(10 : 108)

6. Call unto the way of thy Lord with wisdom and fair exhortation, and reason with them in the better way…… —(16 : 125)

7. And argue not with the people of the scripture unless it be in (a way) that is better……. —(29 : 46)

8. Lo! We have revealed unto thee (Muhammad) the scripture for mankind with truth. Then whosoever goeth right it is for his soul, and whosoever strayeth, strayeth only to its hurt. And thou art not a warder over them. —(39 : 41)

9. Obey Allah and obey His messenger: but if ye turn away, then the duty of our messenger is only to convey (the message) plainly. —(64 : 12)

The above mentioned verses are merely a few examples. There are many more verses on the subject. The gist of all the Quranic verses on the subject of our discussion is that the duty of the Prophet is to convey the message of Allah to mankind in plain and clear language. It is not his duty to compel the people to believe in Allah and accept Islam. If anybody believes he believes for his own benefit, and if anybody disbelieves he disbelieves to his own hurt. The Prophet is not responsible or accountable for the actions of others. Therefore, there is no compulsion in religion of Islam. Islam is not forced upon anybody. The people are free to accept it or reject it. Everybody enjoys full freedom in the matters of faith.

Explaining the background of the revelation of the famous verse of the Qur'an (2 : 256) which says: "there is no compulsion in religion", Ibn Ishaque and other scholars report that one of the Ansar had two sons who were Christians. They were not ready to embrace Islam whereas their father who was an ardent Muslim and a companion of the Prophet wanted to forcibly convert them to Islam. It was on this occasion that the said verse was revealed. The author of Encyclopaedia of Seerah writes a beautiful note to explain the wisdom of this verse:

"Ibn Athir, commenting on this verse, sums up the teaching of the Qur'an in these words: "Do not force anyone to accept Islam for it is so manifest and clear, and arguments and reasoning in its favour are so forceful and convincing, that there is no need to force anyone into it. Whoever receives guidance from God and opens his breast to the truth and has the wisdom to understand argument will accept it voluntarily. And if a person is so blind as not to see any reason in it, his entrance into Islam without understanding is useless. Zamakhshari, commenting on this verse, supports the above view, "God has not prescribed coercion and compulsion in matters of Islam (Faith) but has left it to ability and acceptance." This verse "Had your Lord willed all the inhabitants of the earth would have believed in Him" (10 : 99), fully confirm this view. If it had been the Wisdom of God that people should be forced into Iman (Faith), He would have created them all in the same faith, but He did not do it and left the whole thing to the voluntary acceptance of the people themselves. The wisdom of this is pointed out in these words: "Your Lord could have made all of you a single community, if he had so willed. But (He willed otherwise) in order to test you in what He has bestowed upon each of you, therefore try to excel one another in good deeds. Ultimately you shall all return to Him: then He will show you the truth about that in which you differ."

—(5 : 48)

Prophet Muhammad (PBUH) was sent by God not only to teach and explain the Qur'an (which is the message of Allah) but also to act upon Qur'an and implement its teachings in letter and spirit. He lived an ideal life in accordance with Qur'anic model and the Qur'an calls his conduct and character the most excellent (Khulq-e-Azim). How he could be expected to violate the teachings of the Qur'an and force the people to embrace Islam? How his companions and followers (to whom the Prophet is closer

than their own selves and his conduct is model) can be expected to disregard the precedent of the Prophet and force the non-believers to accept Islam at the point of sword?

## III-Rebuttal by History

History bears witness that Islam has spread through preaching and not by force or sword. None can produce even single example of any forced conversion to Islam during the reign of the Prophet (PBUH) and the right guided caliphs. Later Muslims also followed the practice of the Prophet and his immediate successors and did not force anyone to accept Islam. Other religions owed their expansion to some mighty emperors and powerful rulers, but Islam which spread with miraculous success, far and wide, had no such patronage.

In support of the above mentioned claim that Islam was not spread by the use of sword, we reproduce the views of some Muslim and non-Muslim scholars and historians who have given their judgement in the light of historical data:

1. "The other great religions," writes Lothrope in his book 'New World of Islam,' "won their way slowly, by painful struggle, and finally triumphed with the aid of powerful monarchs converted to the new Faith. Christianity had its Constantine, Buddhism its Asoka and Zoroastrianism its Cyrus, each lending to his chosen cult the mighty force of secular authority. Not so Islam. Arising in a desert land sparsely inhabited by a nomad race, previously undistinguished in human annals, Islam sallied forth on its great adventure with the slenderest human backing and against the heaviest material odds. Yet, Islam triumphed with seemingly miraculous ease."

2. "No other religion in history spread so readily as Islam—The West has widely believed that this surge of religion was made possible by the sword. But no modern scholar accepts that idea, and the Qur'an is explicit in support of freedom of conscience. The evidence is strong that Islam welcomed the people of many diverse religions, so long as they behaved themselves and paid extra taxes. Muhammad constantly taught that Muslims should cooperate with the "people of the Book" (Jews and Christians)…. Testimony is overwhelming that "followers of the Book" were usually given decent treatment, sanctuary and freedom to worship as they wished."—Michener)

3. "History makes it clear, however, that the legend of fanatical Muslims sweeping through the world and forcing Islam at the point of the sword upon conquered races is one of the most fantastically absurd myths that historians have ever repeated."
—(O'Leary)

4. "Under the Moorish Governments of Spain, when Islam enjoyed political ascendancy, the large masses of native Christians were protected by a wide toleration, not as a political expedient, but according to the laws of Islam. The Christians were permitted to have their bishops, churches and monasteries, and to be judged by their own laws and tribunals, whenever the question at issue was one that related only to themselves." —(Blyden)

5. "They succeeded because they deserved to succeed; Islam triumphed because it brought a message that was needed by the Oriental world. Before the Heigira, the Mussslmans had endured persecution without defence; later, they put a legitimate resistance and when they became victors they practiced tolerance to

a considerable degree. The idolater was not allowed to remain on Muslim soil; but the People of the Book, both Jew and Christian, by paying tribute, had a right to protection, could practice their faith freely, and were considered a part of the community. "He who wrongs a Jew or a Christian", said Muhammad, "will have me as his accuser". The Qur'an and the Hadiths are replete with counsels of tolerance the first Mussalman conquerors followed this advice on the whole faithfully ….. When 'Omar entered Jerusalem, he ordered the Christians not to be molested, neither them nor their churches, and showered favours on the patriarch. When the patriarch invited him to pray in the cathedral he refused only because he feared that this might be used later as a pretext for seizing the church. What a contrast, we cannot help saying, with the entry of the crusaders, advancing in a river of blood up to the knees of the knights and the bridles of the horses, deciding to cut the throats of all Muslim men who had escaped the first slaughter."

—(Dermenghem)

6. "The God of nature has written His existence on all His works, and His law in the heart of man. To restore the knowledge of the one, and the practice of the other, has been the real or pretended aim of the prophets of every age: the liberality of Muhammad allowed to his predecessors the same credit which he claimed for himself; and the chain of inspiration was prolonged from the fall of Adam to the promulgation of the Qur'an." —(Gibbon)

7. A European Christian scholar Sir T.W. Arnold in his book 'The Preaching of Islam' writes:

"That force was not the determining factor in these conversions may be judged from the amicable

relations that existed between the Christian and the Muslim Arabs. Muhammad himself had entered into treaty with several Christian tribes, promising them his protection and guaranteeing them the free exercise of their religion and to their clergy undisturbed enjoyment of their old rights and authority."

He goes on to say: "From the examples given above of the toleration extended towards the Christian Arabs by the victorious Muslims of the first century of the Hijrah and continued by succeeding generations, we may surely infer that those Christian tribes that did embrace Islam, did so of their own choice and free will."

"When the Muslim army reached the valley of Jordan and Abu Ubaydah pitched his comp at Fihl, the Christian inhabitants of the country wrote to the Arabs, saying: "O Muslims, we prefer you to the Byzantines, though they are of our own faith because you keep better faith with us and are more merciful to us and refrain from doing us injustice and your rule over us is better than theirs, for they have robbed us of our goods and our homes."

"Such was the state of feeling in Syria during the campaign of 633 – 639 in which the Arabs gradually drove the Roman army out of the province. And when Damascus, in 637, set the example of making terms with the Arabs, and, thus, secured immunity from plunder and other favourable conditions, the rest of the cities of Syria were not slow to follow. Emessa, Arethusa, Hieropolis and other towns entered into treaties whereby they became tributary to the Arabs. Even the patriarch of Jerusalem surrendered the city on similar terms. The fear of religious compulsion on the part of the heretical emperor made the promise of

Muslim toleration appear more attractive than the connection with the Roman Empire and a Christian government, and after the first terrors caused by the passage of an invading army, there succeeded a profound revulsion of feeling in favour of the Arab conquerors".

8. Now we shall quote an eminent Muslim scholar Syed Ameer Ali, the historian and judge, who has forcefully defended the case of Islam against this charge in his renowned book 'The Spirit of Islam'. Explaining the reasons why Muhammad (PBUH) and his companions had to take swords in their hands, he writes:

"From the moment of his entry into Medina, Muhammad's destiny had become intertwined with that of his people, and of those who had invited and welcomed him into their midst. His destruction meant the destruction of the entire body of people who had gathered round the minister of God. Surrounded by enemies and traitors, the ancient servitors of the national gods marching to their slaughter, his followers would have inevitably perished but for the swords in their hands. And it was not until their enemies were upon them that it was declared, "the infidels regard not in a believer either ties of blood or covenant; when they break their oaths of alliance, and attack you, defend yourself"; and again, "Defend yourself against your enemies; but attack them not first: God hateth the aggressor." To the Moslems self-defence had become a question of self-preservation. They must either submit to be massacred or fight when they were attacked. They chose the later alternative, and succeeded, after a long struggle, in subduing their enemies."

On the Islamic attitude of freedom of religion and conscience he writes:

"If thy Lord had pleased, verily all who are in the world would have believed together." "Wilt thou then force men to believe when belief can come only from God?"—"Adhere to those who forsake you; speak truth to your own heart; do good to everyone that does ill to you": these are the precepts of a Teacher who has been accused of fanaticism and intolerance. Let it be remembered that these are the utterances, not of a powerless enthusiast or philosophical dreamer paralysed by the weight of opposing forces. These are the utterances of a man in the plenitude of his power, of the head of a sufficiently strong and well-organised state, able to enforce his doctrines with the edge of his reputed sword."

Comparing Islam and Christianity in their attitude towards use of force in conversion, Syed Ameer Ali writes:

"In religion, as in politics, individuals and sects have preached toleration, and insisted upon its practice only so long as they have been powerless and feeble. The moment they have acquired strength enough to battle with the forces which they wish to supersede, tolerance gives way to persecution. With the accession of Constantine to the throne of the Caesars, Christianity was safe from molestation. But from that period commenced a system of religious persecution in its atrocity paralleled only by that of the Jews. "From the very moment," says Lecky, "the Church obtained civil power under Constantine, the general principle of coercion was admitted and acted on, both against the Jews, the heretics, and pagans." They were tortured with every refinement of cruelty; they

were burnt at a slow-consuming fire to enable them to think of the charity and humanity of the church of Christ. Father after father wrote about the holiness of persecution. One of the greatest saints of the Church, "a saint of the most tender and exquisite piety"–supplied arguments for the most atrocious persecution. Except during the titanic struggles in Europe at the beginning of the nineteenth century, the Christian church, purporting to derive its authority from the Apostles, has never hesitated to encourage war, or to give its sanction, in the name of religion and "the glory of Christ," to exterminating enterprises against heretics and heathens. These had no claims on Christian humanity or the law of nations; nor have the poor black races now! In the fifteenth century, the Pope granted a special charter by which the non-Christian world was allotted to the Portuguese and Spaniards in equal shares with absolute power to convert the inhabitants in any way they chose! History records how liberally they construed the permission. And all the atrocious doctrines relating to persecution and the treatment of non-Christians are unjustly based upon the words of Jesus himself! Did not the Master say, "Compel them to come in."?

"In the hour of his greatest triumph, when the Arabian Prophet entered the old shrine of Mecca and broke down the idols, it was not in wrath or religious rage, but in pity, that he said–"Truth is come, darkness departeth,"–announcing amnesty almost universal, commanding protection to the weak and poor, and freeing fugitive slaves.

"Muhammad did not merely preach toleration; he embodied it into a law. To all conquered nations he offered liberty of worship. A nominal tribute was the only compensation they were required to pay for the

observance and enjoyment of their faith. Once the tax or tribute was agreed upon, every interference with their religion or the liberty of conscience was regarded as a direct contravention of the laws of Islam. Could so much be said of other creeds? Proselytism by the sword was wholly contrary to the instincts of Muhammad, and wrangling over creeds his abhorrence. Repeatedly he exclaims, "Why wrangle over that which you know not; try to excel in good works; when you shall return to God, He will tell you about that in which you have differed."

"The spirit of aggression never breathed itself into that code which formally incorporated the Law of Nations with the religion; and the followers of Muhammad, in the plenitude of their power, were always ready to say to their enemies, "Cease all hostility to us, and be our allies, and we shall be faithful to you; or pay tribute, and we will secure and protect you in all your rights; or adopt our religion, and you shall enjoy every privilege we ourselves possess."

The great Muslim writer further says:

"Islam seized the sword in self-defence, and held it in self-defence, as it will ever do. But Islam never interfered with the dogmas of any moral faith, never persecuted, never established an Inquisition. It never invented the rack or the stake for stifling difference of opinion, or strangling the human conscience, or exterminating heresy. No one who has a competent knowledge of history can deny that the Church of Christ, when it pretended to be most infallible, "shed more innocent blood than any other institution that has ever existed among mankind"; whilst the fate of the man or woman who forsook the Church, or even expressed a preference for any other creed, was no

less cruel. In 1521, death and confiscation of property was decreed by Charles V against all heretics. Burnings and hangings, and tearing out and twisting of tongues were the usual penalties for refusal to adopt the orthodox communion. In England, after it became Protestant, the Presbyterians, through a long succession of reigns, were imprisoned, branded, mutilated, scourged, and exposed in the pillory. In Scotland, they were hunted like criminals over the mountains; their ears were torn from the roots; they were branded with hot irons; their fingers were wrenched asunder by thumbkins; the bones of their legs were shattered in the boots. Women were scourged publicly through the streets. The Catholics were tortured and hanged. Anabaptists and Arians were burnt alive. But as regards non-Christians, Catholics and Protestants, orthodox and un-orthodox, were in perfect accord. Musulmans and Jews were beyond the pale of Christendom. In England, the Jews were tortured and hanged. In Spain, the Muslims were burnt. Marriages between Christians and Jews, and Christians and "infidels," were null and void, in fact prohibited under terrible and revolting penalties. Even now, Christian America burns alive a Christian Negro marrying a Christian white woman! Such has been the effect produced by Christianity.

"Let us turn from this picture to the world of Islam. Whilst orthodox Christianity persecuted with equal ferocity the Jews and Nestorians,–the descendants of the men who were supposed to have crucified its Incarnate God, and the men who refused to adore his mother,–Islam afforded them both shelter and protection. Whilst Christian Europe was burning witches and heretics, and massacring Jews and "infidels," the Moslem sovereigns were treating their non-Moslem subjects with consideration and

tolerance. They were the trusted subjects of the State, councillors of the empire. Every secular office was open to them along with the Moslems. The Teacher himself had declared it lawful for a Moslem to intermarry with a Christian, Hebraw, or Zoroastrian. The converse was not allowed, for obvious political reasons. Moslem Turkey and Persia entrust their foreign interests to the charge of their Christian subjects. In Christendom, difference of faith has been a crime; in Islam it is an accident."

# CHAPTER 15

# ARE THE MUSLIM TERRORISTS?

## I- Why the Charge?

No religion in the history of the mankind spread as rapidly as the religion of Islam. For centuries Christianity had hidden itself in byways and corners; not until it had largely absorbed and assimilated paganism, not until a half-pagan monarch had come to its assistance with edicts and orders, was it able to rear its head among the creeds of the world. Similar was the case of Bhuddhism and Zoroastrianism who won their way slowly, by painful struggle, and finally triumphed with the aid of powerful monarchs like Asoka and Cyrus respectively. Judaism never became a popular faith and never rose above the cult of the Jewish race. Islam, unlike other great religions of the world, sallied forth on its great adventure with the slenderest human backing and against the heaviest material odds and triumphed with seemingly miraculous ease. The extraordinary rapidity with which the religion of Muhammad (PBUH) spread over the surface of the globe and its marvelous effect upon the minds of men gave rise to the charge that Islam was a religion of sword and it spread through sword. This charge still persisted when new charge of terrorism has recently been added. As the charge of religion of sword was on account of Islam's rapid spread, similarly charge of terrorist religion has been levelled due to resurrected Islamic concept of Jihad which the Muslims are waging today against the forces of oppression. The accusers, both time, are the same – the non-Muslims led by Christians. See the map of the modern world and mark the hot spots where some type of cold or open war is going on, you would find that Muslims are

definitely involved as one of the parties in the trouble, most often being the persecuted one. But still the Muslims are called terrorists and their religion is called terrorist religion! Let us examine the charge in detail in this chapter to see whether there is any truth in it.

## II- Islam Stands For Peace

Al-Islam or the Islam literally means 'peace' or submission and complete surrender to the will of Almighty God, the Creator, the Sustainer and Sovereign of the whole universe. Being the last revealed religion and having universal appeal to all humanity, Islam teaches peace and security and enjoins upon its followers to surrender to the will of God completely. It attaches paramount importance to human life which in its view is sacred and cannot be taken without lawful cause. Al-Qur'an, the revealed book of Islam, equates unjust murder of one human being with murder of whole mankind, and protection of life of one person with protection of whole humankind. It says: "whosoever killeth a human being for other than manslaughter or corruption in the land, it shall be as if he had killed all mankind, and who saveth the life of one, it shall be as if he had saved the life of all mankind….." —(5 :32)

Despite glorifying sanctity of human life, no doubt, Islam allows Jihad or war in which many lives are lost. However, this permission is given in very exceptional circumstances. War is allowed when the followers of Islam are oppressed, persecuted, and are attacked or when their faith, their ideology or their land and their homes are attacked. Islam being religion of humanity, peace and security does not permit its followers war of aggression or war with the motives of killing and conquering other human being or war with the imperial or colonial ambitions to subjugate weaker nations for expansion of empire and trade. Even war for converting the people to Islam is not

allowed. The followers of Islam pick up sword in their defence, in the defence of their faith and country, or in the defence of the oppressed Muslims or even in the defence of non-Muslim oppressed communities if need arises. The oppressed, subjugated and persecuted Muslims are permitted to rise up and wage Jihad against their oppressors for liberation from their yoke. Thus in the case of the oppressed Muslim communities Jihad becomes a war of independence, a war to regain the usurped fundamental rights, and Islam permits such war.

## III- Distinction Between Islamic Jihad and Terror

This brings us to the point where we can distinguish between Islam, Jihad and Terror or more directly between Islamic Jihad and Terror.

'Islam', as we have stated earlier, means peace and security and teaches its followers to live in peace, avoid war and preach their religion through peaceful/means.

'Jihad' is derived from word 'Jihada' or 'Jihadun' and means 'exertion', 'striving,' or 'struggle'. It means to exert one's utmost or to make effort and struggle for the achievement of one's aim or objective. In order to achieve an objective, Jihad is waged through various means i.e, with the help of physical force, with the help of one's tongue and pen, or with spending of one's wealth. It is waged against foreign enemy; against internal enemies like rebels and terrorists; against the oppressors who are persecuting their Muslim subject; against social evils; against natural calamities; against despotic rulers and dictators; against one's own self to conquer one's evil desires, vices and unlawful ambitions. Even Jihad includes struggle for earning one's livelihood by lawful means and nation-building

activities such as roads, canals, bridges, hospitals, educational institutions, communication projects, etc. Thus Jihad in Islam is a very wide term. It has a wider meaning than war which only means an armed struggle to combat the enemy. However, for the purpose of our present discussion Jihad will be used for war which is waged in pursuit of some noble cause.

'Terror', as defined by various dictionaries of English language, means extreme fear. It is use of violence and threats of violence to achieve an objective or aim. Terrorize is to fill with terror by threats of violence, to dominate, coerce, or subdue by terror, or intimidation. Terror also refers to a period of violence or terror, as caused by political enemies or a terrorist group. Terrorist is a person who supports or participates in terrorism of terrorist activities. Terrorism is an organized system of intimidation and violence for achievement of certain goals.

'Terrorism' consists of a series of acts intended to spread intimidation, panic, and destruction in a population. These acts can be carried out by individuals and groups opposing a state, or acting on its behalf. The amount of violence is often disproportionate, apparently random, deliberately symbolic: to hit a target which would convey a message to the rest of the population. Violence perpetrated by the state or by rightwing terrorist groups is anonymous. Its goals are to shift sectors of public opinion to support the restoration of law and order and repressive measures, at the same time physically destroying political opponents and intimidating their actual and potential supporters. Violence from left-wing groups is usually 'signed'. Its goals are the awakening of public opinion to the injustices of the 'system', the 'punishment' of hated representatives of the system and their lackeys, and the expansion of political support for, and/or the defence of, their organizations. The ultimate goal is to muster enough support to overthrow the regime or, at

least, to produce a revolutionary situation. An intermediate stage might be the unmasking of the 'fascist face' of the regime and the revelation to the population of its repressive reality."

"There is not a single cause of terrorism: several conditions and determinants must be present. For state terrorism the most important conditions are the willingness and determination of the dominant groups to retain power against mounting opposition, even by violent means. For sociopolitical terrorism, it is the unability to acquire sufficient support for radical changes in the light of mass passivity and elite unresponsiveness. However, terrorism is never simply the response to socioeconomic conditions of marginality. It is always the product of a political project. Be they at the service of the state or against the state, the terrorists pursue political goals."

"According to their goals, one can define and identify several types of terrorism: repressive, revolutionary, secessionist. It is also possible to speak of international terrorism – though somewhat inappropriately – for those groups staging their activities on the international sence. They want to dramatize their plight and obtain international visibility, recognition, and support (such as some sectors of the Palestine Liberation. Organization (PLO), the Armenians, the Ustasha). However, most terrorist organizations are indigenous, such as the Irish Republican Army (IRA), the German Rote Armee Fraktion, the Italian Brigate roses and the neo-fascist Ordine Nuovo, the French Action Directe, the Basque ETA. They have roots and pursue goals that are inherently 'national', even though they might enjoy some (reciprocal) 'international' support."

From the foregoing discussion it is clear that Islamic Jihad has no relation with terrorism neither those who wage Jihad are terrorists. Jihad, as we have discussed at length

in this book, is a war which the followers of Islam wage against the aggressors, oppressors, tyrants, persecutors, disturbers of peace, makers of mischief in the land, perpetrators of corruption on God's earth, terrorists and attackers of Islam and Islamic land. Jihad is waged for a just and noble cause and through open and transparent means. No aggressive or imperialistic war is permitted by Islam. Islam permits war only in defence when Islamic faith, Islamic country and the Muslim community is attached. "Jihad does not mean killing and plundering others but offering one's ownself to be killed. It is a supreme sacrifice required of an idealist, sacrifice both of property and life, for the sole purpose of obeying the command of one's creator and master, God Almighty."[4] The justification as well as philosophy of Jihad has been underlined by the following verses of the Holy Qur'an

1. Fight in the way of Allah against those who fight against you, but begin not hostilities. Lo! Allah loveth not aggressors. —(2 : 190)

2. How should ye not fight for the cause of Allah and of the feeble among men and of the women and the children who are crying: Our Lord! Bring us forth from out this town of which the people are oppressors! Oh, give us from Thy Presence some protecting friend! Oh, give us from Thy Presence some defender! —(4 : 75)

3. And fight them until persecution is no more and religion is for Allah. But if they cease, then lo! Allah is seer of what they do. —(8 : 39)

4. Sanction is given unto those who fight because they have been wronged; and Allah is indeed Able to give them victory: Those who have been driven from their homes unjustly only because they have said, Our Lord is Allah – for had it not been for Allah's repelling some

> men by means of others, cloisters and churches and oratories and mosques, wherein the name of Allah is oft mentioned, would assuredly would have been pulled down. —(22 : 39-40)

The above mentioned verses of al-Qur'an are explicit and clear in bringing home the fact that Jihad is undertaken is defence of the Muslim community and in defence of the Islamic faith and country when subjected to aggression and invasion. It is also undertaken to assist those Muslims who are subjected to persecution and appression in non-Muslim lands in their struggle for liberation and independence. The Muslims are obliged even to wage Jihad for persecuted and oppressed non-Muslims for protection of their lives and places of worship. The laws of Jihad, as laid down by the Prophet of Islam, are humane, chivalrous, kind and tolerant. Killing of aged, children, women and disabled is prohibited. Servants and slaves, monks and hermits and those civilians who do not participate in war are not killed. The cruel and torturous ways of killing are not allowed neither mutilation of men and animals is allowed. Destruction of crops, cutting of trees unnecessarily, slaughtering of animals more than what is necessary for food and burning of houses is not allowed. Killing of enemy hostages and prisoners of war (except under the law) is strictly disallowed. General massacre and plunder is prohibited when the enemy is defeated. Prisoners of war are treated with utmost kindness and so are the subjugated people. Women captured in war are not raped. Sexual relations with them are prohibited until the caliph or the commander of forces formally distributes them among the soldiers and assigns them the responsibility of maintaining such women. The conquered people are to be provided full freedom of religion and their places of worship are to be protected.

'Terrorism', on the contrary, is a philosophy as well as a practice which is resorted to by individuals or groups of

individuals to achieve their aims and goals by terrifying the innocent people or by intimidating and coercing them. The terrorist groups are usually maphia groups who promote their political and material objectives through use of violence and threats of violence. They adopt all types of means without caring whether means adopted are lawful or unlawful, moral or immoral, fair or foul. They burn the houses, demolish the properties, blast the places of worship, implant bombs at airports, at railway stations, at official buildings, public places and even in educational institutions and hospitals. They hijack aeroplanes, kill helpless people and, kidnap innocent persons for ransom. They torture men, even women and children and kill them for achieving their ends. When terrorism is used by a state as an instrument of suppression of political opponents or minority communities, it indeed become a menace to humanity.

Thus both the concepts of Islamic Jihad and terrorism are diametrically opposed to each other. They have nothing in common. It is highly cruel and extremely unjust to bracket them together and relate them. It is rather one of the aims of Jihad to end terrorism, 'fitnah' (persecution) and 'fisad' (corruption and mischief in the land).

## IV- Who is Terrorist?

The Muslims today are called terrorists, fundamentalists, extremists and militants. But the most popular label is that of terrorist while Islam is labeled as terrorist religion which teaches its followers militantism, terrorism and extremism. America blames that Islamic countries are supplying arms and money to at least thirty organizations engaged in terrorist activities around the world. Out of these organization, nine are allegedly working under the patronage of Osama bin Laden (formerly of America against Soviet Union in Afghanistan) who has been declared by America as the most wanted person being

number one terrorist in the world. Out of seven countries placed by America on terrorist list, five are Muslim countries and out of various organizations enlisted for terrorist activities majority are those of Muslims which are engaged in Jihad. In a latest report,. American Foreign Office blames that Pakistan and Afghanistan are haven for international terrorists and South Asia is center from where terrorism is sponsored. Pakistan is being pressurized to persuade Afghanistan to hand over Osama-bin-Laden to America. Pakistan is also being pressurized to close down Islamic Madrissas (Islamic religious Seminaries) which, according to America, are engaged in the training of the terrorists. In 1998 America launched missile attacks against Sudan and Afghanistan in pursuit of Osama.

Encouraged by American stance. India, the most notorious country for its state terrorism against the people of Kashmir, has urged America to declare Pakistan a terrorist country as well as twenty-five organizations of Kashmiri Muslims which are engaged in Jihad in Kashmir as terrorists.

The question arises: Is Islam a terrorist religion and its followers terrorists? Our answer to this question is emphatic No.

Let us now glance through the affairs of contemporary world to find out who is terrorist?

There are about one billion and twenty crore Muslims in the world today-out of whom eighty crore Muslims are living in fifty-six Muslim countries while forty crore Muslims are living in non-Muslim countries. No doubt in some non-Muslims lands the Muslims are living happily as they are given good treatment and are granted human rights. But in countries like India, Russia, Israel, Yugoslavia, Ethiopia, Burma and Philippines, Muslim minorities are being severely persecuted and oppressed.

The Muslims are fighting battle of their survival in Kashmir, Palestine, Chechnya, Sinkiang, Bosnia-Herzegovina, Kosovo, Eriteria, Arakan and in some islands of Philippines. During last two decades, more than three million Muslims have been killed and many millions have been wounded or expelled from their homes. There are twenty million refugees in the world today; more than 80% are Muslims. Three hundred thousand Muslim leaders are in jails on the grounds of their religion and conscience. More than one hundred thousand Muslim women have been subjected to gang rape. Thousands of children were burnt alive. Hundreds of thousands of houses of the Muslims were burnt and hundreds of their places of worship were damaged and demolished during last few years. Properties of Muslims worth billions of dollars have been destroyed during last decade alone. Mass graves of Muslims are found in Bosnia, Kossovo, chechnya and other lands. The Muslims are indeed denied the very basic human rights such as protection of life, property and honour, religious freedom and access to places of worship.

Are the persecuted Muslims terrorists or are their persecuters terrorists? To be more direct: Are the oppressed Muslims of Kashmir terrorists or are their oppressors the Indians terrotists? Are the persecuted Palestinian Arabs terrorists or are their persecutors the Jews of Israel terrorists? Are the helpless Chechens terrorists or are the Russian plunderers terrorists? Are the innocent Bosnian and Albanian Muslims terrorists or are the ruthless Serbian Christians terrorists? The answer to these questions is left to human conscience although it is very obvious.

The fault of the persecuted Muslims in these lands is that they are Muslims. Their latest fault is that they have been forced to wage Jihad for their suvival. They are freedom fighters and are fighting war of independence.

If the Muslims are terrorists, they must torture and terrorize the non-Muslim minorities living with them. There are fifty-six Muslim countries in the world. Can an impartial observer levy any serious charge of persecution of non-Muslim minorities against any Muslim country. How many non-Muslims have been killed in Muslim lands during last decade? How many non-Muslims have been expelled from their homes? How many non-Muslim women have been gang raped in Muslim countries? How many non-Muslim leaders have been put in jails on religious grounds? How many places of worship of non-Muslims have been burnt in Muslim lands? How many massgraves of non-Muslims have been found in Muslim countries?

The answer to these questions would be emphatic No. There may be very few such incidents of small nature in Muslim countries but they generally take place in reaction to incidents of large scale persecution of Muslim minorities in non-Muslim lands; for example some incidents in Pakistan took place in reaction against demolition of Babari Mosque in India in 1992.

Indonesia is the largest Muslim country. In Indonesia there are ninety percent Muslims. Five percent Christians are killing the Muslims wherever the Christians are strong and in majority. East Timor happens to be a small part of a small island of Indonesia. The non-Muslim powers could not tolerate that it should remain under Muslim rule although the Christians had an upper hand in this island and were not being persecuted in any way. It has been finally made independent after disturbances of few years. Those who waged war of independence in this island were awarded Nobel Prize and garlanded as heroes and freedom fighters. But those who wage Jihad for liberation of Kashmir and Chechnya are called terrorists. Is it justice by any moral standard?

When Russia invaded Afghanistan in 1979-80, America saw in this invasion an opportunity to take revenge of its own humiliation in Vietnam. It organized Jihad in Afghanistan against Russia and engaged the Muslims from all over the world. The Muslim participants in the war were freedom fighters and Mujahideen when they were fighting against Russia. But when Russia was defeated and ultimately dismembered, America changed its standard overnight. Now the same Mujahideen are being labeled as terrorists and Jihad as terrorism. Why this turnabout? The reason is obvious. Jihad and Mujahideen were used to humiliate and defeat enemy number one. After dissolution of Soviet Union, America has been left as the only super-power on the globe. Now America perceives danger in Jihad because Jihad is the force which can change the status quo in the world. Therefore, Jihad is terrorism and Mujahideen are terrorists who need to be crushed.

## V- The Need of the Time

The need of the time is that the world should understand the difference between Jihad and Terror and between Mujahid and Terrorists. In the lands where the Muslims are being persecuted Jihad is being waged. The freedom fighters or Mujahideen are in no way terrorists. They are fighting to liberate the persecuted people from the yoke of oppressors. Instead of suppressing the Muslim minorities in non-Muslim countries and crushing their freedom fighters after condemning them as terrorists, the propriety demands that the grievances of such minorities should be understood and redressed.

A true Muslim understands the difference between Jihad and terror. He has no hesitation to share the concerns of the United States about terrorism. He would readily denounce the incidents of bomb blast in US embassy in East

Africa in 1998, the Oklahoma city bombing in 1996 and the world Trade Centre attack in 1993. But he would not accept the destruction of the Muslim communities in Kashmir, Chechnya and Kossovo.

Let the sanity prevail in the world and let their usurped human rights be restored to the oppressed. Muslim minorities of the non-Muslim countries. It would be useful for the cause of international peace and security. Otherwise Jihad would go on because a true Muslim considers it his religious obligation to wage war against the oppressors whenever and wherever the oppressed on God's earth cry for help.

# BIOBLIOGRAPHY

1. The Meaning of the Glorious Qur'an by Marmaduke Pickthall.

2. The Message of the Qur'an by Muhammad Asad.

3. The Holy Qur'an, text, translation and commentary by Abdullah Yusuf Ali.

4. Tafsir Ibn Kathir (Urdu) by Hafiz Amma-dud-din Ibn Kathir.

5. The meaning of the Qur'an by Syed Abul A'la Maududi.

6. Al-Hadis, an English translation and commentary of Mishkat-ul-Masabih by Maulana Fazlul Karim.

7. Mishkat-al-Masabih, English translation with explanatory notes by James Robson.

8. Sahih-Al-Bukhari, the translation of the meanings of- by Dr. Muhammad Muhsin Khan.

9. Sahih Muslim, English translation by Abdul Hamid Siddiqi.

10. Sunan Abu Daud, English Translation by Professor Ahmad Hasan.

11. Riyad As-Salihin by Imam An-Nawai rendered into English by Abdur Rehman Shad.

12. A code of the Teachings of al-Qur'an by Muhammad Sharif Chaudhry.

13. An Introduction to Islamic State and Government by Muhammad Sharif Chaudhry.

14. The Muslim conduct of state by Dr. Muhammad Hamidullah.

15. Introduction to Islam by Dr. Muhammad Hamidullah.

16. Al-Jihad Fil Islam by Syed Abul'Ala Maududi (Urdu).

17. The spirit of Islam by Ameer Ali.

18. A Short History of Saracens by Ameer Ali.

19. Islam the Misunderstood Religion by Muhammad Qutb.

20. Encyclopedia of Seerah by Seerah Foundation London.

21. Shorter encyclopaedia of Islam by Gibb and Kramers.

22. The Social Science Encyclopedia by Wajidalis.

23. Muslim Minorities in the World Today by M. Ali Kettani.

24. West's Tribute to Islam by Syed Yaqub Shah.

25. Kitab-ul-Kharaj by Imam Abu Yusuf.

26. Monthly Baidar Digest (Urdu) Lahore.